DOCUMENT RESUME

ED 456 008 RC 023 133

TITLE	Equal Educational Opportunity for Native American Students in Montana Public Schools.
INSTITUTION	Montana State Advisory Committee to the U.S. Commission on Civil Rights, Helena.
PUB DATE	2001-07-00
NOTE	92p.; Prepared with the U.S. Commission on Civil Rights, Rocky Mountain Regional Office.
AVAILABLE FROM	U.S. Commission on Civil Rights, 624 Ninth Street NW, Washington, DC 20425. Tel: 202-376-8128; e-mail: pubs@usccr.sprint.gov. For full text (minus tables and appendices): http://www.usccr.gov/mtsac/main.htm.
PUB TYPE	Reports - Evaluative (142)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	Administrator Attitudes; *American Indian Education; Community Attitudes; Educational Assessment; *Educational Needs; Educational Policy; Elementary Secondary Education; *Equal Education; Organizations (Groups); *Outcomes of Education; *Public Schools; State Legislation; Student Attitudes
IDENTIFIERS	American Indian Students; *Montana; Native Americans

ABSTRACT

The Montana Advisory Committee to the U.S. Commission on Civil Rights examined the extent of equal educational opportunity and educational quality offered to Native American children in Montana public schools. Fact-finding meetings were held in Billings (December 10, 1996) and Missoula (April 24, 1997). Chapter 1 of this report outlines the history of Indian education initiatives in the United States and Montana. Chapters 2-5 summarize perspectives of state and federal agencies; students, teachers, and administrators; tribal leaders and administrators; and organizations and institutions concerned with Indian education. Chapter 6 presents findings and recommendations. The Committee concludes that although the state of Montana has made numerous affirmations concerning Indian education, these have not produced tangible outcomes; therefore, the state has failed to meet its obligation with regard to Indian education. Montana's Indian children drop out of school at a disproportionate rate and have low achievement levels, test scores, graduation rates, and college attendance rates. There are too few Native teachers and administrators, and teachers do not receive adequate training in the teaching of Indian history and culture or in effective strategies for teaching Indian children. Recommendations are offered concerning teacher education, Native teacher recruitment, school-community links, student tracking, curriculum development, state policy implementation, role of tribal governments, and civil rights enforcement. Appendices contain the structure of Montana's executive branch, various policy statements and reports, and American Indian population data. (SV)

Reproductions supplied by EDRS are the best that can be made
from the original document.

Rc

ED 456 008

Montana Advisory Committee to the U.S. Commission on Civil Rights

Equal Educational Opportunity for Native American Students in Montana Public Schools

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

July 2001

A report of the Montana Advisory Committee to the U.S. Commission on Civil Rights prepared for the information and consideration of the Commission. Viewpoints and recommendations in this report should not be attributed to the Commission, but only to the Montana Advisory Committee or those persons whose opinions are quoted.

BEST COPY AVAILABLE

RC023133

The United States Commission on Civil Rights

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, as amended by the Civil Rights Commission Amendments Act of 1994, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study and collection of information relating to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections; and preparation and issuance of public service announcements and advertising campaigns to discourage discrimination or denials of equal protection of the law. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 states and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 3(d) of the Civil Rights Commission Amendments Act of 1994. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective states on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference that the Commission may hold within the state.

This report is available on diskette in ASCII and WordPerfect 5.1 for persons with visual impairments. Please call (202) 376-8110.

BEST COPY AVAILABLE

Montana Advisory Committee to the U.S. Commission on Civil Rights

Equal Educational Opportunity for Native American Students in Montana Public Schools

Letter of Transmittal

Montana Advisory Committee to
the U.S. Commission on Civil Rights

Members of the Commission
Mary Frances Berry, *Chairperson*
Cruz Reynoso, *Vice Chairperson*
Christopher Edley, Jr.
Yvonne Y. Lee
Elsie M. Meeks
Russell G. Redenbaugh
Abigail Thernstrom
Victoria Wilson

Les Jin, *Staff Director*

As part of its responsibility to assist the Commission in its fact-finding function, the Montana Advisory Committee submits this report of its study of equal educational opportunities for Native American students in Montana public schools. Members of the Advisory Committee who participated on the project approved the report by a vote of 9 to 0. The study is based on public fact-finding meetings conducted in Billings and Missoula on December 10, 1996, and April 24, 1997, respectively, background research and interviews by Committee members and staff, and follow-up data collection and additional interviews conducted after the fact-finding meetings. Persons who provided information were given an opportunity to review relevant sections of the report and, where appropriate, their comments and corrections were incorporated.

The Advisory Committee has a longstanding interest in state civil rights enforcement. The issue of equal education for Native American children in Montana had been discussed on several occasions. In December 1992, the Advisory Committee heard from Indian educators who discussed how racism and negative stereotyping hinder the future progress and success of Native American children in the state. The Great Falls Indian education coordinator specifically addressed the need for suitable curriculum; the proper selection of appropriate materials as teaching tools; and for administrators, counselors, and teachers to be sensitized to Indian issues and culture. Civil rights in education was deemed a critical issue by many people across the state. At its February 1993 meeting, the Montana Advisory Committee reviewed a number of civil rights issues, including inappropriate curricula within school systems in Montana that adversely affect minority students.

The Advisory Committee selected employment and education affecting Native Americans in Montana as a broad project. Based on the numerous concerns surrounding the education of Indian children between kindergarten and 12th grade, it was determined that the study would focus on the extent to which Native American children in Montana public schools are receiving equal educational opportunity, and the quality of education they receive.

This report offers possible solutions to correct inequality for Native American children in public schools in the state. It addresses the serious dropout rate among Indian children and the lack of Native Americans as teachers, administrators, and role models in the public school system.

Among its study findings, the Montana Advisory Committee notes that the state desperately needs a mechanism to carry out the provisions of the Montana Constitution, which ensures educational opportunity for each person in the state.

The Advisory Committee urges the Commission to accept this report.

Sincerely,

Phillip Caldwell

Phillip Caldwell, *Chairperson*
Montana Advisory Committee

Montana Advisory Committee to the U.S. Commission on Civil Rights

Phillip Caldwell, *Chairperson*
Great Falls

Betty L. Babcock
Helena

Jean Bearcrane
Billings

Raymond M. Benegas*
Great Falls

Thomas J. Berger*
Great Falls

Bonnie Heavy Runner Craig**
Missoula

Donald D. Dupuis**
Polson

Rhonda L. Friedlander*
Ronan

Timothy M. Harris
Helena

Sandra K. Johnson*
Helena

Marjorie W. King**
Winnett

Ruey-Lin Lin
Billings

David A. Lopez
Billings

Edith R. Morigeau
Ronan

Tammie Schnitzer
Billings

Ken Toole
Helena

M. Michelle Wilkerson
Great Falls

* No longer a member of the Montana Advisory Committee
** Deceased

Acknowledgments

The Montana Advisory Committee wishes to thank the staff of the Rocky Mountain Regional Office for its help in the preparation of this report. The project was the principal assignment of Malee V. Craft. Evelyn S. Bohor provided essential support services. Editorial assistance and preparation of the report for publication were provided by Dawn Sweet. Dorothy Pearson-Canty was responsible for duplication services. The fact-finding meeting phase was carried out by Malee V. Craft, under the overall supervision of John F. Dulles, regional director; report drafting, follow-up, and subsequent processing of the report were done by Malee V. Craft, under the overall supervision of John F. Dulles.

Contents

Preface ... ix

1. **History of Indian Education Initiatives in the United States and Montana** ... 1

2. **State and Federal Government Perspectives** ... 12
   - Office of Public Instruction ... 12
   - Board of Public Education ... 18
   - Office of the Commissioner of Higher Education ... 20
   - Committee on Indian Affairs ... 21
   - Office of Indian Affairs ... 22
   - Office for Civil Rights, U.S. Department of Education ... 23
   - Educational Equity Center ... 24

3. **Public School Student and Staff Perspectives** ... 26
   - Public School Students ... 27
   - Program Coordinators and Teachers ... 29
     - Missoula County Public School District ... 29
     - Polson Partnership Project, Polson School District ... 29
     - Rocky Boy's Public Schools ... 29
     - Helena Public Schools ... 30
     - Browning Public Schools ... 30
   - Administrators ... 31
     - Billings Public School District ... 31
     - Great Falls Public School District ... 33
     - Brockton Public School District ... 34
     - Browning Public School District ... 35
     - Plains Public School District ... 36
     - Crow Agency Public School ... 36
     - Rocky Boy's Public Schools ... 37
     - St. Ignatius Public School District ... 37
   - School Board Trustees ... 38
     - Billings Public Schools ... 38
     - Hardin Public Schools ... 39

4. **Tribal Leadership and Tribal Education Perspectives** ... 44
   - Blackfeet Tribe, Blackfeet Reservation ... 44
   - Assiniboine and Sioux Tribes, Fort Peck Reservation ... 44
   - Northern Cheyenne Tribe, Northern Cheyenne Reservation ... 46
   - Social Services Department, Northern Cheyenne Tribe ... 48
   - Crow Tribe, Crow Reservation ... 49
   - Confederated Salish & Kootenai Tribal Council, Flathead Reservation ... 50
   - Salish-Kootenai College, Flathead Reservation ... 51
   - Little Shell Tribal Council ... 52

5. Perspectives of Organizations and Institutions Concerned with Indian Education 53
Montana Indian Education Association 53
Montana Association for Bilingual Education 53
Indian School Board Caucus, Montana School Boards Association 54
Native American Studies Program, University of Montana 54
Rocky Mountain College 54
Crow Education Committee 55
Indian People's Action 56
Yellowstone County Christian Coalition 56

6. Findings and Recommendations 57

Tables

2.1 Student Enrollment in Montana Public Schools 15
2.2 Native American Student Enrollment in Montana Secondary Public Schools 17
2.3 Student Dropout Rates in Montana Public Schools 17
3.1 Certified Staff for Montana Public Schools by Race, Fall 1996–97 27
3.2 Elementary Student Enrollment and Staffing in Montana Public Schools, 1998–99 40
3.3 High School Student Enrollment and Staffing in Montana Public Schools, 1998–99 42

Appendices

A Montana Executive Branch (Organizational Chart) 63
B Montana Board of Public Education, Policy Statement, American Indian Education 64
C Superintendent of Public Instruction's Commitment to American Indian Education in Montana (document) 65
D State Agencies' Reaffirmation of Constitutional Commitment to Education of American Indians, 1991 66
E State Agencies' Reaffirmation of Constitutional Commitment to Equality of Education and System to Develop Educational Potential of All, 1994 67
F Administrative Rules of Montana, Board of Public Education, Class 7 American Indian Language and Culture Specialist 68
G House Bill No. 528, 1999 Montana Legislature 69
H House Bill No. 528—Board of Education, Report and Recommendations, Approved March 22, 2000 72
I Indian Population in Montana (table) 79
J Indian Reservations of Montana (map) 80

Preface

The Montana Advisory Committee to the U.S. Commission on Civil Rights is charged with assisting the Commission in its fact-finding, investigative, and information dissemination functions. In keeping with these responsibilities, the Montana Advisory Committee conducted two fact-finding meetings, the first in Billings on December 10, 1996, and the second in Missoula on April 24, 1997, to receive information on equal educational opportunities for Native American students in Montana public schools.

The purpose of the fact-finding meetings was to provide an overview of the issue and gather information from participants, who brought a variety of statistics, experiences, recommendations, concerns, and opinions. Individuals invited to the fact-finding meetings were identified through recommendations from Advisory Committee members, through personal and telephone interviews, referrals, and a variety of other sources.

The fact-finding meetings were especially timely in that they coincided with a number of studies, efforts, and proposals initiated by Indian education associations, education organizations, tribal education departments, and also a 1996 study conducted by the Committee on Indian Affairs of the Montana Legislature.

During the first fact-finding meeting held in Billings,[1] 27 individuals participated, and at the second fact-finding meeting held in Missoula,[2] 28 individuals made presentations. Collectively, they represented an array of experiences and viewpoints from local, state, and federal agencies, commissions, public school districts, tribal education departments and tribal leadership, community-based organizations, advocacy groups, students, parents, and interested citizens.

---

[1] Invited participants in the December 10, 1996, fact-finding meeting in Billings were:
Representative Joan Hurdle, Montana House of Representatives
John Morales, member, Tribal Executive Board, Fort Peck Reservation
Ellen Swaney, director, American Indian/Minority Achievement, Office of the Commissioner of Higher Education
Dr. Wayne Buchanan, executive secretary, Board of Public Education
Nora Bird, president, Montana Association for Bilingual Education
Lynn Hinch, bilingual specialist, Office of Public Instruction
Norma Bixby, director, Education Department, Northern Cheyenne Tribe
Arnold Jefferson, director, Crow Tribal Education Department
Susan McDaniel, academic dean, Rocky Mountain College
Carolyn Pease-Lopez, advisor, American Indian Students Services, Rocky Mountain College
Clara Beth Johnson, consortium coordinator, Rocky Mountain College
Mike Chapman, principal, Crow Agency Public School
Dr. James Kimmet, superintendent, Billings Public Schools, District 2
Dick Kuntz, assistant superintendent and coordinator of Indian education, Great Falls Public Schools
Ellen Hilde, education consultant
Sayra Matta, student, Wolf Point High School
Michael Bruner, student, Brockton High School
Shannon Jackson, student, Frazer High School
Dallas Big Leggins, former student, Wolf Point High School
James Corson, member, Billings Public School Board
Bryan Johnson, chair, Yellowstone County Christian Coalition
Elizabeth Reece, tribal contracting officer, Crow Tribe, Crow Reservation, Representing Chairwoman Clara Nomee
Desiree Lambert, director, Fort Peck Tribes Education Department, Assiniboine and Sioux Tribes, Fort Peck Reservation
Clarice Denny, Board of Trustees, Hardin School District 1 and 17H
Lanny Real Bird, graduate student, Montana State University-Bozeman
Willie Bird, student, Hardin High School
Tim Lame Woman Sr., tribal member, Northern Cheyenne Tribe

[2] Invited participants in the April 24, 1997, fact-finding meeting in Missoula were:
Dr. Joseph McDonald, president, Salish-Kootenai College
David Dunbar, regional attorney, Office for Civil Rights, U.S. Department of Education, Region 8
Gerald L. "Jerry" Brown, director, Educational Equity Center, Region 8
Roger Helmer, superintendent, Browning Public Schools
Ron Rude, superintendent, Plains Public Schools
Sandra Murie, superintendent, Rocky Boy's Public Schools
John Matt, superintendent, St. Ignatius Public Schools
Bernard Lambert, superintendent, Brockton Public Schools
Co Carew, program director, Polson Partnership Project, Polson School District 23

It is expected that the information found in this report will help state agencies, local school districts and schools, and educators make informed decisions concerning the future of Montana's Native American children enrolled in public schools across the state, and the equality and quality of education they receive.

To address this issue, this report will look at the history of Montana public education and what role it has played in ensuring that Native American children receive an equal education. We will share with the reader other efforts, past and present, to address the issue of Indian education in Montana. The report will also discuss the extent to which discrimination in education may exist as it affects Indian children in the state, and identify possible solutions.

Carole Meyers, Indian education Title IX coordinator, Missoula County Public Schools
Starla Klevenberg, Title VII, bilingual education teacher, Missoula County Public Schools
Dr. Robert J. Swan, federal programs coordinator, Rocky Boy's Public Schools
Theodore Weatherwax, president, Montana Indian Education Association
Robert Fox, chair, Indian School Board Caucus, Montana School Boards Association
Jackie Tang, director of Social Services, Northern Cheyenne Tribe
Chief Earl Old Person, Blackfeet Indian Tribe
Norma Wolfchief Gourneau, vice president, Northern Cheyenne Tribal Council
Gary Stevens, member, Salish & Kootenai Tribal Council
Tobe Whitaker, secretary-treasurer, Little Shell Tribal Council
Joseph Pickett, vice chair, Crow Tribal Council
Patrick Weasel Head, associate director, Native American Studies Program, University of Montana
Franci Taylor, former teacher, Helena Public Schools
Dr. Nate St. Pierre, director, Office of Tribal Services, Montana State University-Bozeman
Wilma Mad Plume, elementary teacher, Vina Chattin School
Janet Robideau, member, Indian People's Action
Wyman J. McDonald, coordinator, Indian Affairs, Office of the Governor
Linda Peterson, division administrator, Office of Public Instruction
Joyce Silverthorne, vice chair, Montana Board of Public Education

BEST COPY AVAILABLE

CHAPTER 1

History of Indian Education Initiatives in the United States and Montana

Throughout U.S. history various state and federal programs have been initiated to meet the educational needs of Native American children.[1] Federal Indian education policy started during President George Washington's time in 1792 with the Seneca Nation, and the government's historical policy of trying to "civilize" the Native American had begun. The United States included education provisions in treaties starting in 1794 with the Oneida, Tuscarora, and Stockbridge Indians, and extending through the treaty-making period ending in 1871. And within those 77 years, an act was passed in 1819 that provided for an annual "Civilization Fund" to educate Native Americans.[2]

The practice of providing for technical or vocational education and of providing financial support for reservation schools, boarding schools, and other education programs was formalized by the federal government in 1921 with the passage of the Snyder Act. The legislation gave broad authority to the Bureau of Indian Affairs to spend federal money to educate Indians and promote their acculturation. Further, the commitment to provide education services had been extended by Congress to tribes and individuals through special funding for Indians in education programs.[3]

Federal government involvement, according to many Indian education experts, gave states an excuse for not providing critical education services to their Native American populations. Clearly, some Native American students have experienced discrimination and lack of educational opportunity, and our schools have failed large numbers of Indian children.[4]

In 1969, tribal leaders created the National Indian Education Association to preserve and incorporate Native American history in public schools. The association promoted the exchange of ideas on how best to educate Native American students, at a time when many educators were resistant to notions of cultural curriculum and Native language instruction.[5]

The 1969 State Legislature established the Montana Constitution Revision Commission to determine whether the constitution was adequately serving the needs of Montana's citizens and to make recommendations for change.[6] At the same time, the Legislature called for a Constitutional Convention, a measure voters passed in the 1970 general election.[7] The Constitutional Convention Commission, in preparation for the actual convention scheduled for 1972, prepared "Background Study No. 17—Education."[8] Study No. 17 consisted of several sections on equal educational opportunity for Indians, particularly focusing on protection of the cultural integrity of

---

[1] Montana Advisory Committee to the U.S. Commission on Civil Rights, Project Proposal, April 1994, p. 1. In 1691, the College of William and Mary was established for secular and religious education of certain young Indian males. Ibid.

[2] T.J. Gilles, "A ticket to the future: Education seen as key to overcome problems of the past," *Pride & Prejudice, Native Americans in Montana: A Special Report* and *Chronology of Indian Education* (Source: Murton McCluskey, Indian education consultant, Great Falls, MT), *The Great Falls Tribune*, Dec. 7, 1992, pp. 1A and 5A, respectively.

[3] Ibid.

[4] Ibid.

[5] G. Troy Melhus, "The State of Indian Education: 25 years of recapturing a culture," *The Bismarck Tribune*, Sept. 4, 1994, p. 1E.

[6] Montana Legislative Services Division, *To Promote a Better Understanding: The 1995–96 Activities of the Committee on Indian Affairs*, December 1996, p. 6 (hereafter cited as *Committee on Indian Affairs Report*).

[7] Ibid.

[8] Ibid. The Constitutional Convention Commission also prepared other background studies that were addressed by delegates at the convention.

Indians. The study concluded that states have obligations to:

- provide equal educational opportunities for Indian children through adequate financial support;
- eliminate all forms of discrimination against Indians in education; and
- allow for the existence of schools that meet the indigenous cultural needs of Indians by fostering educational diversity and community control.[9]

The study further stated that the principles could be embodied in a model constitutional provision on equal educational opportunity and Indian education.[10]

The preliminary work by legislators before the Constitutional Convention clearly reflected the state's moral obligation to provide Indian children the same educational opportunities as other children, while at the same time meeting their cultural needs.

In March 1972, Montana Constitutional Convention delegates debated Education and Public Lands Committee Proposal No. 10, which addressed education for all. It read as follows:

> Section 1. EDUCATIONAL GOALS AND DUTIES OF THE STATE. It shall be the goal of the people of Montana to provide for the establishment of a system of education which will develop the full educational potential of each person. Equality of educational opportunity shall be guaranteed to each person of the State.[11]

The intent of Proposal No. 10 centered on two issues that repeatedly surfaced during the debate: the need to acknowledge Native Americans in the constitution and the need to address problems between Indians and non-Indians in the state.[12]

The delegates to the Montana Constitutional Convention adopted article X, section 1, subsection 2, for inclusion into the new constitution in June 1972. The language of the amendment to section 1 read:

> The State recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.[13]

Joan Hurdle, a member of the Committee on Indian Affairs, a state legislative committee, said that with the adoption of that language, the state of Montana committed itself to the preservation of the cultural heritage of the state's first inhabitants.[14]

To move the State Legislature from a posture of commitment to Indian education to one of action, within one year of article X's adoption, the Montana Legislature passed House Bill No. 343, known as the Indian Studies Law. The law required all teachers in public schools on or near Indian reservations to receive instruction in American Indian studies.[15] The purpose of the law was to ensure that every Montana teacher had an understanding of and appreciation for Native American people.[16] The Indian Studies Law required teachers to have a background in American Indian studies by July 1, 1979.[17] All affected school districts could employ only those certified teachers who met the Indian studies requirement. The law met little opposition in the Legislature, and, in fact, was supported by the American Federation of Teachers.[18]

House Bill No. 343 (Indian Studies Law) was actually a compromise bill. House Bill No. 501, introduced in the same session, required that all teachers in Montana complete Indian studies coursework within 10 years, regardless of where they taught. While that bill may have more accurately reflected the intent of the constitution, it was apparently too drastic a measure for passage and, therefore, paved the way for the acceptance of House Bill No. 343.[19] An additional piece of legislation, Senate Joint Resolution No. 17, passed at the same time, encouraged public schools to include in their curricula Indian history, culture, and contemporary affairs. It also encouraged teacher-training programs to prepare teachers for educating Indian children.[20] Although the resolution did not have the force of the law, it put the State Legislature on record as supporting Indian studies as an integral part of Montana's education system.[21]

---

[9] Ibid.

[10] Ibid., p. 7.

[11] Ibid.

[12] Ibid., p. 8.

[13] Ibid., p. 7. The amendment was offered by constitutional delegate Dorothy Eck, now a member of the Montana Senate. The idea for the amendment originated with two Indian students from the Fort Peck Reservation who appeared before the Bill of Rights Committee and asked for some assurance that they would have an opportunity to study their own culture and language and develop a sense of pride, and that all Montana students would recognize the importance and dignity of Native Americans in Montana.

[14] Joan Hurdle, statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Billings, MT, Dec. 10, 1996, transcript, pp. 5–6 (hereafter cited as Transcript 1).

[15] Ibid., p. 7. House Bill No. 343, Chapter 464, Laws of 1973.

[16] Connie Erickson, legislative research analyst, Montana Legislative Services Division, *The Indian Studies Law: An Exercise in Futility*, A Report to the Committee on Indian Affairs, Montana Legislative Services Division, April 1996, p. 1.

[17] Ibid., p. 2.

[18] Ibid.

Reasons surrounding the opposition to the Indian Studies Law included, but were not limited to, the fact that Montana teachers, who were predominantly white, were resistant to legislation that forced additional training and threatened loss of employment; tenured teachers felt they should be grandfathered into the law; and resources to meet the needs of all teachers affected by the law were limited or lacking altogether. The Indian Studies Law provided no guidance on how best to implement the law and did not address such questions as what courses would be acceptable or what would constitute evidence of compliance.[22]

To address those questions and many others, the 1974 Legislature reintroduced the 1973 language of failed House Bill No. 501 and passed House Joint Resolution No. 60, instructing the Board of Public Education and the Board of Regents, acting together as the State Board of Education, to devise a master plan for improving public school teachers' knowledge of Native American culture. Although the Indian Studies Law applied only to teachers who taught on or near reservations, House Joint Resolution No. 60 called for all teachers, regardless of where they taught, to receive Indian studies training within 10 years.[23]

The committee assigned with the task of developing a master plan, after reviewing current and potential Indian studies programs in the state, formulated 17 recommendations, from which the Indian Culture Master Plan was developed. The plan contained recommendations for the Montana university system and the Office of Public Instruction.[24]

In December 1975, the Indian Culture Master Plan, a guide for institutions to begin meeting their obligations under the Indian Studies Law, was adopted by the State Board of Education. In the first three years of its existence, however, the Indian Studies Law barely caused a ripple in the education community. From 1973 until 1976, most teachers and school districts ignored the law while the Indian Culture Master Plan was being developed.[25] Tenured teachers thought the Indian Studies Law did not apply to them, so there was no mad rush to comply.[26] As time passed, the Indian Studies Law was met with a great deal of opposition and became a source of irritation and confusion for many teachers across the state.[27]

In early 1979, before the Indian Studies Law could be fully implemented (the law was to be effective July 1, 1979), the Montana statute was amended making it optional, not mandatory, for educators teaching on or near an Indian reservation to take American Indian studies courses.[28] To date, state law still "encourages" teachers to obtain university-level hours of American Indian studies, and local school districts continue to have the option to require that their teachers take Indian studies,[29] although few districts do so.

The State Legislature in 1975 established "Native American Day" (celebrated the fourth Friday in September). The resolution invited the people of Montana to observe the day with appropriate ceremonies and activities.[30]

The entities that monitor education in Montana are complex and intertwined. Before delving further into the issue of equal educational opportunity for Native American students in Montana public schools, this report will explain their interconnections. There are five major players in Montana's education system: the Office of Public Instruction; the Board of Public Education and the Board of Regents, which together act as the State Board of Education; and the Office of the Commissioner of Higher Education (see appendix A).

---

[19] Ibid. House Bill No. 501, Chapter 118, Laws of 1973.

[20] Ibid.

[21] Ibid., p. 2.

[22] Ibid., pp. 3, 9.

[23] Ibid., p. 3. A committee of 45 members, 41 of whom were Indian, was formed to develop the master plan. The committee was given one year to complete its work. Ibid.

[24] Ibid., p. 4.

[25] Ibid., p. 10.

[26] Ibid., pp. 4, 10.

[27] Ibid.

[28] House Bill No. 219, Chapter 458, Laws of 1979.

[29] Ibid.

[30] Office of Public Instruction, *Montana Indians—Their History and Location*, revised April 1992, p. 47. The legislation was House Joint Resolution No. 57.

The Office of Public Instruction (OPI) provides services to Montana's school-age children and teachers in approximately 500 school districts. The superintendent of public instruction, elected by Montana citizens, manages the many facets of OPI and interacts with other state agencies. OPI provides technical assistance in planning programs, accreditation, school curriculum, school finance, and school law. The office also administers several federally funded programs and provides a variety of informational services. OPI staff members provide assistance to the superintendent of public instruction through prescribed duties, which include (1) support for the superintendent's statutory role with the Board of Public Education, Board of Regents, and Land Board; (2) the distribution and accounting of state and federal funds provided to school districts; (3) operational support to OPI; and (4) assistance and information to school districts.[31] The Office of Public Instruction implements the rules set by the Board of Public Education.[32]

The Board of Public Education, which consists of seven voting members appointed by the governor with the consent of the State Senate, exercises a general supervisory responsibility for K-12 public schools, and in most cases acts on recommendations of the superintendent of public instruction. Some of the statutory responsibilities and duties are to adopt standards of accreditation, adopt rules for student assessment, and effect a system for teacher and specialist certification.[33] The certification process is administered by the Board of Public Education, the Certification Standards and Practices Advisory Council, and the superintendent of public instruction.

The Board of Regents consists of seven voting members appointed by the governor with the consent of the Senate and is charged with the responsibility and authority to supervise the managing of Montana's university system, community colleges, and vocational-technical centers.[34] The Board of Regents' chief administrator, appointed by the board, is the commissioner of higher education and serves as the chief executive officer of the Montana university system. The governor, superintendent of public instruction, and commissioner of higher education serve as ex-officio, nonvoting members on both the Board of Public Education and the Board of Regents.

The Office of the Commissioner of Higher Education implements policies of the Board of Regents and exercises administrative oversight of the campuses within the Montana university system.[35]

Members of the Board of Public Education and the Board of Regents, meeting together, form the State Board of Education, which has responsibility for submitting unified budget requests for long-range planning and for coordination and evaluation of policies and programs for the state's education system.[36] The governor serves as president, and the superintendent of public instruction serves as secretary of the State Board of Education.

The 1980 census reported that 51 percent of Montana's adult population completed high school, while only 23 percent of the Indian population completed the same level of education.[37]

---

[31] Office of Public Instruction, agency description provided by staff person Madalyn Quinlan with the Office of the Superintendent of Public Instruction to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, Mar. 27, 2000.

[32] Dr. Wayne Buchanan, executive secretary, Board of Public Education, interview with Malee V. Craft, civil rights analyst, Rocky Mountain Regional Office, U.S. Commission on Civil Rights, in Helena, MT, Dec. 4, 1996.

[33] Office of Public Instruction, *Directory of Montana Schools 1998–1999*, p. 198. The term of office for appointed members is seven years. The Board of Public Education also has a nonvoting student member who serves a one-year term. Ibid.

[34] Ibid. Term of office for appointed members is seven years, except for the student appointee, whose term varies. Ibid.

[35] Ellen Swaney, director of American Indian/minority achievement with the Office of the Commissioner of Higher Education, agency description provided to Malee V. Craft, civil rights analyst, Rocky Mountain Regional Office, U.S. Commission on Civil Rights, April 2000.

[36] Office of Public Instruction, *Directory of Montana Schools 1998–1999*, p. 198. Ibid.

[37] Ibid., p. 3.

As a result of the census data and other information regarding Indian education, the Board of Public Education established the Montana Advisory Council for Indian Education (MACIE) in 1984. MACIE's role was to advise the Board of Public Education and the superintendent of public instruction in educational matters involving Indian students.[38] The Board of Public Education also adopted a policy statement on Indian education (see appendix B).

In 1989, the Montana Institute for the Effective Teaching of American Indian Children conducted its first training session, which provided a variety of materials for certified teachers and administrators on educating Native American children. Training included strategies for developing critical-thinking and problem-solving skills, and covered such topics as effective instructional methods and appropriate behavior management techniques.[39]

The Board of Public Education completed a comprehensive review of the state accreditation standards through "Project Excellence: Designing Education for the Next Century." One result of that effort was the development of the *Montana School Accreditation Standards and Procedures Manual* (1989), which referred specifically to the needs of Native American children in directing that schools shall "nurture an understanding of the values and contributions of Montana's Native Americans and the unique needs and abilities of Native American students and other minority groups."[40]

In March 1990, the U.S. Department of Education chartered the Indian Nations At Risk Task Force to study the status of Native American education in the United States. The task force received testimony from hundreds of citizens and concluded without question that the culture of Native American people was indeed at risk.[41] That same month, Superintendent of Public Instruction Nancy Keenan issued a position statement titled "Commitment to American Indian Education in Montana," which reaffirmed her support for article X, section 1, subsection 2 of the Montana Constitution (see appendix C). It also reaffirmed her commitment to work closely with Indian people to increase the educational attainment level of Indian students.[42]

Also in that same year, Governor Stan Stephens issued Executive Order No. 22-89, which established the Commission for the Nineties and Beyond, and charged the group "to visualize the future needs of the people of this state with respect to all aspects of higher education in a context of concerns for quality, access, accountability, and affordability."[43] The Commission for the Nineties and Beyond's final report, *Crossroads—Montana Higher Education in the Nineties*, was released in October 1990 and cited its concern for the rapidly expanding young Indian population that had traditionally demonstrated low educational attainment, high dropout rates, high poverty rates, and high unemployment.[44] The commission's concerns were notable; however, no action was taken by the governor or state legislators to remedy problems cited in its report.[45] Native American and non-Native American advocates would not let the issue of equal education for Native American students die, and that same year educators, parents, and private citizens took action.

In 1990, the Indian community sought to address concerns regarding the education of Indian children and adults. A statewide public forum of tribal representatives from all Indian nations and Indian people of Montana was convened by the Montana Advisory Council for Indian Education (MACIE), under the direction of Robert Parsley, Indian education specialist with the

---

[38] Office of Public Instruction, *A Curriculum Guide to Learning about American Indians*, undated. The council was to consist of delegates from all reservations and major Indian education organizations. Ibid.

[39] "Register soon for seminar on teaching Indian children," *The Great Falls Tribune*, Dec. 11, 1994. Institutes have been an annual event and are sponsored by the Office of Public Instruction.

[40] Montana Higher Education Systems, Office of the Commissioner of Higher Education, *A Plan for American Indian Education in Montana: Recommended Goals*, 1990, p. 1 (hereafter cited as *Recommended Goals*)

[41] Melhus, "The State of Indian Education, p. 1E.

[42] Office of Public Instruction, *A Curriculum Guide to Learning about American Indians*, undated.

[43] Montana Education Commission for the Nineties and Beyond, *Crossroads—Montana Higher Education in the Nineties*, p. 1. The executive order was issued on Sept. 12, 1989, and this commission was asked to present its report and recommend actions to the governor and Board of Regents by Oct. 1, 1990. Ibid.

[44] Ibid., p. 3.

[45] *Recommended Goals*, p. 1.

Montana Office of Public Instruction.[46] To fully address the issue, three major events were held in 1990: (1) a community forum where testimony was heard from tribal representatives from each of the seven Indian reservations, the urban Indian population, various Indian education organizations, and nationally renowned experts; (2) a retreat to develop strategies to address the issues presented at the forum; and (3) a statewide conference.[47] Those events resulted in defining needs and developing recommended goals and actions, which were presented in 1991 as *A Plan for American Indian Education in Montana: Recommended Goals*. The plan was developed from the voices of Montana Indians and non-Indian education providers. The primary forces backing this effort were MACIE, the Montana Committee for American Indian Higher Education, and the Montana "Tracks" Task Force of the Office of the Commissioner of Higher Education.[48] The plan was directed to the governor, the Montana State Legislature, the Board of Regents, the Board of Public Education, the Office of Public Instruction, and to local school district trustees (school board members) who had the responsibility to carry out the state constitution and meet the education needs of all citizens of Montana.[49] In 1991, the State Board of Education, Board of Regents of Higher Education, Board of Public Education, Office of Public Instruction, and Office of the Commissioner of Higher Education, issued a statement further reaffirming their constitutional commitment to the education of Indian people (see appendix D).[50]

During a presentation to the Montana Advisory Committee to the U.S. Commission on Civil Rights at its February 1992 meeting, an educator with the Great Falls School District Indian Education Program said there was still a great need for state legislation to require teachers to take multicultural education courses. She also said there was a need for teachers to learn how to select suitable materials as teaching tools; to develop relevant curricula; to develop teaching procedures, instruments, and evaluations of tests administered to Indian children; and for administrators, counselors, and specialists to be sensitized to Indian issues and culture.[51]

The Office of Public Instruction reported that in 1992–93, Indian children were the largest minority group in the state.[52] Montana's public education system consisted of 514 school districts accounting for 159,991 children, of whom 140,809 (88.01 percent) were white; 15,012 (9.38 percent) Native American; 2,179 (1.36 percent) Hispanic; 1,181 (0.74 percent) Asian; and 810 (0.51 percent) African American.[53] During that same period, more than 50 percent of Native American students in Montana were enrolled in urban public school districts in cities such as Billings, Great Falls, Helena, and Missoula rather than in rural or reservation school districts.

OPI also reported that in 1992–93 Indian youth were the largest group of children in the state to drop out of school. A child in Montana can legally drop out of school at age 16, and unfortunately many under the age of 16 also drop out. Because Montana did not maintain dropout figures at that time, it was difficult for OPI to determine the actual dropout rate for the state.[54]

Exemplifying the seriousness of the situation, Great Falls School District estimated the overall school dropout rate for 1992–93 to be about 4.5 percent and the Indian student dropout rate to be about 10 percent.[55] After the close of the

---

[46] Linda Peterson, division administrator, Office of Public Instruction, statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Missoula, MT, Apr. 24, 1997, transcript, p. 298 (hereafter cited as Transcript 2). Mr. Parsley held the position of Indian education specialist with the Office of Public Instruction until 1996. That position was still vacant at the time of the fact-finding meeting.

[47] *Recommended Goals*, p. 2. The statewide conference "Opening the Montana Pipeline" was sponsored by the Montana Committee for American Indian Higher Education. Ibid.

[48] Ibid.

[49] Ibid.

[50] Montana Advisory Committee to the U.S. Commission on Civil Rights, Project Proposal, April 1994, p. 3.

[51] Ibid., p. 5. Deanna Parisian, director, Indian Education Program, Great Falls School District, Montana Advisory Committee to the U.S. Commission on Civil Rights, Meeting Minutes, Feb. 12, 1992, p. 3.

[52] Office of Public Instruction, *1992–1993 School Enrollment, Racial/Ethnic Totals by Grade*, reported Aug. 12, 1993.

[53] Ibid.

[54] Cebe Sabonya, Office of Public Instruction, Helena, MT, telephone interview with Malee V. Craft, civil rights analyst, Rocky Mountain Regional Office, U.S. Commission on Civil Rights, Feb. 24, 1994.

[55] Deanna Parisian, Great Falls School District, telephone interview with Malee V. Craft, civil rights analyst, Rocky Mountain Regional Office, U.S. Commission on Civil Rights, Feb. 9, 1994.

1994–95 school year, the Office of Public Instruction, for the first time, began keeping statewide dropout statistics.[56]

That same year, in response to reports of increasing disparities between the racial composition of America's K–12 students and teachers, the Professional Preparation and Development Committee of the Certification Advisory Council to the Board of Public Education examined the racial balance of Montana's K–12 teaching force as compared with the racial composition of Montana's K–12 student population.[57] Many states were developing strategies to increase the number of minority teachers, who often serve as role models for minority students. By recruiting more minority teachers, states hoped to reduce the high dropout rates of minority students and improve their academic achievement to levels comparable with those of the general population. The Office of Public Instruction reported in 1990 that only 1.9 percent of Montana's K–12 public school teachers and 1.7 percent of Montana's school administrators were Native American. In addition, according to a report of the Certification Advisory Council, a disparity of greater than 7 percent existed between the racial makeup of Montana's K–12 teachers and minority students.[58]

Recognizing the need to reduce the disparity, the Certification Standards and Practices Advisory Council prepared a report on strategies for improving the recruitment and retention of minority teachers. After 18 months of study, the advisory council released its report, *Strategies for Improving the Recruitment and Retention of Minorities in Education in Montana*, which was adopted by the Board of Public Education in 1994.[59] The report recommended that teacher and administrator preparation for certification should include a component devoted to the study of Native American cultures and history and include a component to prepare educators to work with bilingual students. The report also recommended that the Certification Standards and Practices Advisory Council study the efficacy of adding a "Permissive Special Competency" in Native American studies to Montana's teacher certification requirements.[60]

On January 20, 1994, hope for a better educational future for Indian children in public schools was again rekindled when the top five entities that oversee education reaffirmed their "constitutional commitment to equality of education to each person of the State," in a one-page statement. Although they did not mention Native Americans specifically, they pledged to "support the infusion of gender and multicultural equity awareness and techniques throughout Montana's teacher education programs" (see appendix E).

The lack of effective action by the state in response to the numerous efforts to improve the public school system resulted in additional attempts by educators and parents to seek alternative means of educating Native American children. For example, in 1994, the Montana Advisory Council for Indian Education (MACIE) to the Office of Public Instruction and Board of Education sponsored the Indian Education Collaboration, which was intended to bring educators together to develop a unified plan for educating the state's Native American children.[61]

Despite all the aforementioned efforts, Indian children in Montana public schools still lagged behind.

In March 1994, President Clinton signed into law the Goals 2000 agenda, which codified eight educational goals and set new standards for the nation's schools.[62] Working within the framework of Goals 2000, many school districts across the country began to develop blueprints for the incorporation of Indian culture into classrooms. Strategies included providing for Indian representation throughout school systems and creating ways to develop and evaluate culturally appropriate curricula.[63]

At the state level, members of the governor's Task Force on Renewing Montana Government said in July 1994 that the problem with Montana's education system was that nobody knew who was in charge. The task force echoed its concern that although the governor's office, the Office of Public Instruction, the State Board of Regents, and the State Board of Education all shared control of education and policy, the groups had not worked together. The task force concluded that having a mix of elected and appointed officials leaves the system primed for disagreement, and determined that if the systems worked closer together, there would be several benefits, among them the consideration of joint issues such as teacher training. Members of the task force prepared procedures identifying a new way of managing education, which included the creation of a central board that would allow the Office of Public Instruction and the Board of Regents to work together and more closely with the governor. Montana's Constitution already had provisions giving significant powers to the State Board of Education; however, these had not been exercised. Further, the governor had rarely exercised control over the board, even though the constitution gave him this authority.[64]

---

[56] Lindy Miller, Office of Public Instruction, Helena, MT, telephone interview with Malee V. Craft, civil rights analyst, Rocky Mountain Regional Office, U.S. Commission on Civil Rights, June 8, 2000.

[57] Montana Certification Standards and Practices Advisory Council, *The Treasure State Adviser*, fall 1993, p. 3.

[58] Ibid.

[59] Certification Standards and Practices Advisory Council, *1994 Annual Report to the Board of Public Education*.

[60] Certification Standards and Practices Advisory Council, *Strategies for Improving the Recruitment and Retention of Minorities in Education in Montana*, September 1994, p. 15.

[61] Montana Advisory Committee to the U.S. Commission on Civil Rights, Project Proposal, April 1994, p. 2.

[62] Melhus, "The State of Indian Education, p. 1E.

[63] Ibid.

In a historic move that same year (1994), the State Board of Education took steps toward creating a unified public education system. Since 1972, the State Board of Education had the constitutional authority to coordinate the university system and public education budgets and curriculum, but had never done so. Governor Marc Racicot was the first governor to assert this constitutional authority of the combined board.[65] A few months earlier, he proposed a plan that would ask the 1995 State Legislature to consider creating a State Department of Education to oversee all publicly funded education in Montana. His proposal would have eliminated the Board of Regents and Board of Public Education and replaced them with one advisory board. It would also have eliminated the elected superintendent of public instruction and the commissioner of higher education.[66] The proposal failed to materialize and was eventually withdrawn. However, in 1995, lawmakers had again designated the fourth Friday in September, this time as "Native American Indian Day."

In October 1995, with many concerns still unresolved regarding the state of Indian education in Montana, and through the urging of many parents and educators, additional initiatives were taken. Indian people once again convened a statewide conference to voice their concerns. The major purpose of the meeting was to allow every tribal government in Montana an opportunity to present testimony on the status of education for Indian students on their reservations from kindergarten to postsecondary education.[67] A goal of the Montana Forum for Effective Education of American Indian Students was to evaluate and follow-up on the progress made to reach the goals and recommendations outlined in *A Plan for American Indian Education in Montana: Recommended Goals*, which had been presented to the governor, State Legislature, and state educational agencies in 1991. The governor, the Montana Legislature, Board of Regents, Board of Public Education, Office of Public Instruction, and school boards were asked to provide a written report of their progress.[68]

The outcome of the October 1995 meeting produced the document, *Montana Forum for Effective Education of American Indian Students: Final Report*. Forum coordinators determined that "although many recommendations made by the tribes in 1990 have been accepted and acted upon by state education leaders, there were still many instances where tremendous improvement was needed to allow Indian students to matriculate successfully through the Montana education system."[69] The report concluded that student dropout rates were too high, academic levels were low, Indian students had inadequate skills to compete, there was a lack of positive role models for Indian students, as well as lack of Indian-related curriculum, a lack of K–12 talented and gifted programs, a lack of Indian teachers and administrators, and major behavioral problems in the classroom.[70] Recommendations for the future included the following: continue to work on curriculum and involve Indian people in this process, continue to develop the database of information so that the progress toward achieving one hundred percent graduation or one hundred percent completion of school could be tracked, to include a tribal education section in the Montana State Plan, and to improve teacher education programs to prepare teachers to work with Indian students on reservations.[71] The document, compiled from information received from tribes of the state, was used to build on the already existing state plan.[72]

---

[64] The Associated Press, "Who's in charge of Montana education?" *The Great Falls Tribune*, July 30, 1994. At that time, the Office of Public Instruction set the rules for teacher certification but had little say over how the state university system trained its teaching students. The superintendent of the Office of Public Instruction is elected, therefore the State Board of Education has no control over the superintendent. Ibid.

[65] Mike Dennison, "Racicot moves to unify education," *The Great Falls Tribune*, Sept. 29, 1994, p. 1B. The governor is the nonvoting chairman of the combined board. This combined effort was the idea of the governor. Ibid.

[66] Ibid.

[67] Montana Forum for Effective Education of American Indian Students, forum overview-introduction, Oct. 12, 1995. Tribes were also asked to provide recommendations to governmental entities that might help to improve the education services provided to their children. The forum was sponsored by the Northwest Regional Educational Laboratory, Portland, OR, and the Montana Office of Public Instruction. The Montana Indian Education Association (MIEA) and the Montana Advisory Council for Indian Education (MACIE) were cosponsors.

[68] Montana Forum for Effective Education of American Indian Students, forum summary report, Oct. 12, 1995. Responses were received from five of the six governmental entities (governor of Montana, Montana Legislature, Board of Regents, Board of Public Education, and Office of Public Instruction). No response was received from the Montana School Boards Association. Ibid.

On November 30, 1995, the Board of Public Education, with the support of all Montana tribes, approved an addition to the Administrative Rules of Montana (ARM) that added "specialist" certification for those identified by Montana Indian tribes as eligible for the certification.[73] The teacher certificate, "Class 7 American Indian Language and Culture Specialist," was established to teach Native American languages and to strengthen education and bridge the gap for teaching Indian languages and did not require a four-year college degree.[74] The new classification (known as the Class 7 certificate), which went into effect December 22, 1995, allowed Indian tribes to identify and certify persons they deemed qualified to teach their Native languages in the public schools (see appendix F). The Board of Public Education would accept the criteria developed by each tribe for qualifying an individual as competent to be a specialist in its language and culture.[75] The development of the Class 7 certificate was the result of cooperation among tribes and the Board of Public Education and a desire to ensure high-quality Native language instruction for Montana's children.[76] Applications for the Class 7 certificate were sent from the Office of Public Instruction. The education community offered mixed reactions to this new certification (discussed in more detail in chapter 2).

Also in 1995, 16 years after the Indian Studies Law was amended, the Montana Legislature adopted Senate Joint Resolution No. 11 and requested the Committee on Indian Affairs to study three issues. The Committee on Indian Affairs was established by the State Legislature in recognition of the need to provide a way for Indians to communicate their needs and concerns to the Legislature. The committee works to promote understanding between Indians and non-Indians; to encourage state-tribal and tribal-local government cooperation; to act as a liaison between Indian people and the Legislature; and to gain insight into Indian/non-Indian relations.[77] The three issues requested for study were the following:

- the degree to which Montana public schools are in compliance with article X, section 1, subsection 2, of the Montana Constitution;

---

[69] Ibid. Forum coordinators were Bob Parsley, Indian education specialist, Office of Public Instruction, and Dr. Murton McCluskey, education consultant, Great Falls, MT. Ibid.

[70] Linda Peterson, Transcript 2, p. 299.

[71] Ibid., pp. 299–300.

[72] Norma Bixby, Indian education coordinator, Northern Cheyenne Tribe, Transcript 1, p. 90. The document listed the progress (through reports) made by entities listed in the state plan: governor's office, State Board of Education, Office of Public Instruction, local boards, and others. Ibid., pp. 90–91.

[73] Denise Juneau, Indian education specialist, Office of Public Instruction, Aug. 4, 1998, report to the Montana Advisory Committee to the U.S. Commission on Civil Rights at its Aug. 4, 1998, meeting in Bozeman, MT. Rule assigned number ARM 10.57.407.

[74] Dr. Wayne Buchanan, executive secretary, Montana Board of Public Education, telephone interview with Malee V. Craft, civil rights analyst, Rocky Mountain Regional Office, U.S. Commission on Civil Rights, June 20, 2000.

[75] Ibid.

[76] Ibid.

[77] Committee on Indian Affairs, *The Tribal Nations of Montana, A Handbook for Legislators*, March 1995, p. 14. The Committee on Indian Affairs was first established in the late 1970s as a temporary committee to study issues of jurisdiction. It was re-established by the Legislature every two years until 1989, when it became a permanent committee of the Legislature. Ibid.

- the role of American Indian studies in the overall curriculum of the Montana university system and other institutions of higher learning in the state, with special attention to the teacher education curriculum; and
- the level of knowledge of the general public about historical and contemporary American Indian issues.[78]

The Committee on Indian Affairs was directed to make recommendations for remedying deficiencies found during its study. In October 1996, at the conclusion of its study, the committee voted to sponsor a bill designating the fourth Friday in September as American Indian Heritage Day and submit it to the 55th Legislature, which would convene in January 1997, for consideration and adoption.[79] The legislation was an attempt to make Montanans more aware of the impact that Indians have had on the state,[80] although Native American Day designations had already been adopted on two occasions in the past. The committee's summary and other proposed legislation that were not presented to the State Legislature will be discussed in chapter 2 of this report.

In 1996, speaking before the Montana Advisory Committee to the U.S. Commission on Civil Rights, Norma Bixby, Indian education coordinator for the Northern Cheyenne Tribe, said, "We still see the same problems at the state level and at the local level. A few things [are in place] so nothing really has changed. We have made some progress but not enough to really make considerable changes in Indian education in the state of Montana."[81] Ms. Bixby further said that on a budgetary level, "Indian education is not pertinent at all—it isn't a priority." She explained that the Montana Legislature did not accept federal Goals 2000 dollars, which, in her opinion, would have provided an opportunity to restructure and improve schools.[82]

During the 55th Legislative Session of Montana in 1997, Indian education and cultural integrity were hot topics of discussion. State lawmakers continued to be reluctant to pass any substantive legislation addressing the education of Indian children. Governor Racicot did, however, sign into law the fourth Friday in September as American Indian Heritage Day (formerly known as Native American Indian Day), which reinforced previous legislation and was said to be strengthened by requiring that schools conduct appropriate events commemorating the role of Indians in Montana's past and present. The measure said, "The knowledge of this important history and culture is gradually being lost to citizens of the State of Montana, to the detriment of both the American Indian and non-Indian citizens of the State of Montana."[83]

The next legislative session, held in 1999, again addressed the education of Indian children in Montana public schools and the extent to which state law was being enforced. During this session, state legislators introduced House Bill No. 528, purposed to implement article X, section 1, subsection 2 of Montana's Constitution.[84] Article X recognizes the distinct and unique cultural heritage of Native Americans and Montana's commitment to establish educational goals to preserve the cultural integrity of Native Americans.[85]

In 1999, the Legislature approved the bill (see appendix G), which in part reads:

> WHEREAS, a 1995 study conducted by the Committee on Indian Affairs, pursuant to Senate Joint Resolution No. 11, revealed that despite the constitution's educational guarantees, many school

---

[78] *Committee on Indian Affairs Report*, p. 2. Because local school districts have control over the extent to which the Indian Studies Law is implemented, and curriculum is also the prerogative of local boards, provided it meets the state accreditation standards, little information was obtained from a central source to determine compliance. To gather necessary information, a survey was devised with the assistance of the Montana Office of Public Instruction and sent to a random sample of public schools and corresponding school districts. Questions covered such areas as textbook selection, teacher recruitment, use of noncertified personnel, the Indian Studies Law, and assessment of language needs. Ibid., p. 13.

[79] Ibid., p. 63.

[80] "Racicot signs legislation creating American Indian Heritage Day," *The Great Falls Tribune*, Apr. 9, 1997, p. 3M.

[81] Norma Bixby, Transcript 1, p. 91.

[82] Ibid., pp. 91–92. Goals 2000 dollars were federal funds that states could apply for to use for educational programs. Ten Montana schools applied for and received funds. Ibid., p. 92.

[83] "Racicot signs legislation creating American Indian Heritage Day," p. 3M.

[84] House Bill No. 528 was sponsored by Representative Carol Juneau of Browning.

[85] Ron Selden, *Indian Country Today* correspondent, "American Indian Education Mandated by Montana," *Lakota Times*, Apr. 19, 2000, p. LT1.

> districts and schools, including those adjacent to Montana's seven Indian reservations, had no policy or information in their school curricula recognizing the cultural heritage of American Indians and that the small number of Indian teachers and administrators in public schools resulted in Indian students with no role models and in a lack of cultural awareness and sensitivity among non-Indian students; and
>
> WHEREAS, the Legislature recognizes that the history of Montana and the current problems of the state cannot be adequately understood and the problems cannot be addressed unless both Indians and non-Indians have an understanding of the history, culture, and contemporary contributions of Montana's Indian people.
>
> BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
>
> Section 1. Recognition of American Indian cultural heritage—legislative intent.
> (1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage.
> (2) It is the intent of the legislature that in accordance with Article X, section 1(2), of the Montana Constitution:
>
> > (a) every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and
> > (b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

Later that year, Governor Racicot formed a committee composed of representatives of state educational agencies and asked it to make recommendations for implementing the bill. Its recommendations were to include suggestions concerning the instruction of Montana and Native American history, and the committee was also charged with developing a concrete list of approaches to implement House Bill No. 528 and ensure that the intent of article X would be met.

The recommendations developed by the committee were approved by the Montana Board of Education (see appendix H) and outlined the following:

> Each Montana educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will develop a policy statement; will develop a system to periodically monitor and evaluate its progress toward the implementation of House Bill No. 528; will improve educational standards and resources; will expand professional development and other educational opportunity so that administrators, faculty, staff, and students will have a better understanding of American Indian culture and history; and will expand their recruitment and retention of American Indian educators and students.[86]

---

[86] Montana Board of Education, report and recommendations, House Bill No. 528, approved Mar. 22, 2000.

CHAPTER 2

State and Federal Government Perspectives

Although several equal education initiatives have been authored, reviewed, and evaluated by the Montana State Legislature, the Office of Public Instruction, the Board of Public Education, and others, these entities have played limited roles in ensuring equal education for Native American students in the public school system. However, many educators, school board trustees, students, parents, and citizens interested in high-quality, equal education continue to look to the state government for leadership and commitment to Indian education issues.

The Educational Equity Center, a federally funded private organization, provides guidance and technical assistance on education policies for school districts. At the federal level, the Office for Civil Rights, U.S. Department of Education, provides information, conducts reviews, prepares evaluations, and enforces orders for corrective action under Title VI of the Civil Rights Act of 1964 and related statutes. The Office for Civil Rights and other federal agencies could be valuable resources to help ensure equal education for Indian children in Montana public schools. However, many schools and school districts do not fully utilize the services they provide and some are even unaware of their existence. Additionally, many parents and students are unaware of these agencies and the services they perform (see later discussion in this chapter).

There are those who think that focusing on any one educational indicator in isolation provides a limited picture of student achievements in the public school system; however, it is necessary to look at specific pieces of the overall system to evaluate its success. Because of the large number of school districts across the state, this report will highlight statewide statistics while focusing on schools and school districts in major cities, including Billings, Great Falls, Helena, and Missoula, as well as schools on or adjacent to the seven Indian reservations in the state.

Office of Public Instruction

The Office of Public Instruction, responsible for the education of children enrolled in Montana's K–12 public schools, is directed by Superintendent of Public Instruction Nancy Keenan, elected by the citizens of the state. Montana's public school system, consisting of approximately 452 locally controlled school districts, has been responsible for educating an average of more than 163,000 students each school year.[1] School-age children accounted for almost 19 percent of the state's population of 870,281 people in 1995.[2]

The Office of Public Instruction (OPI) boasts of excellent public schools, with good teachers and high-achieving students. Those successes are achieved, according to OPI, through its commitment to quality education and the dedication and talents of teachers. OPI believes that Montana's students receive a high-quality education through an active partnership with parents and community members. The Office of Public Instruction also acknowledges that if Montana schools are to remain among the best, community dialogue on how best to provide a quality education for all students will need to continue, and key to that success will be information that is accurate and relevant. Superintendent Keenan stated, "The mission of the Office of Public Instruction is to provide the necessary state and federal resources to ensure all of Montana's children a quality education regardless of where they live or their circumstance in life."[3]

---

[1] Based on 1995–99 figures. Montana Office of Public Instruction, Montana Public School Enrollment Data reports. School enrollment data for fall 1995–96: 165,547; 1996–97: 164,627; 1997–98: 162,335; and 1998–99: 159,988.

[2] Office of Public Instruction, *Facts about Montana Education*, July 1996.

Linda Peterson, division administrator of the Academic and Professional Services Division, Office of Public Instruction, addressed the Montana Advisory Committee at its April 1997 fact-finding meeting in Missoula on behalf of Superintendent Keenan. Ms. Peterson said, "The superintendent and staff of the Office of Public Instruction are committed to working hard to improve the education for all children in Montana."[4] Ms. Peterson said that in Montana, most parents, community members, business people, students, and others are very interested in the education system, and they want it to work well. They want teachers and administrators to be highly qualified and competent. She added, "The work ought to ensure that the education of children meets the needs of their world and their future. Their educational experiences must include challenging content which is connected intimately with a student's real life and a real community, and these experiences must be culturally relevant."[5] Ms. Peterson said Superintendent Keenan understands the cultural issues facing Indian youth, and "as a means to guarantee that the Indian children and our youth receive a good education with visible links to their cultural heritage, [the superintendent] strongly supports the Montana constitutional commitment to [education as stated in] Article X."[6] Article X's commitment is to establish an education system that will promote the full potential of every student and to ensure equal educational opportunity.

To support her earlier statement that most Montanans care about Indian education, Ms. Peterson provided excerpts from a survey conducted by a school district (with a 97 percent Indian population) that participated in collaboration meetings held across the state in 1990 and again in 1995.[7] Parents, other community members, tribal government representatives, school personnel, and high school students responded to the question, "As the 21st century nears, what do you believe should be the emphasis in Montana Indian education for K–12 schools?" The top six answers were:

1. Indian students attain at least a 90 percent graduation rate.
2. Indian students become competent in English, math, science, history, and geography as demonstrated by competency assessment tests.
3. Seventy-five percent of Indian students who graduate go on to postsecondary training (college or vocational training).
4. Indian graduates are literate and able to compete in a global economy.
5. The schools are drug- and alcohol-free.
6. Culturally relevant material is available in all Montana schools.[8]

According to Ms. Peterson, the Office of Public Instruction supported the above-listed goals for Indian education. Challenges faced by the Office of Public Instruction, school districts, and schools include a high dropout rate, lack of parental involvement, developing challenging curricula with appropriate assessment, and finding teacher education and professional development activities that improve teachers' ability to educate Native American students.[9]

In support of the six goals and to help locally controlled schools and school districts achieve goals specific to Indian education, OPI has allocated state funds to maintain an Indian education specialist. The Indian education specialist's role is to produce and institute professional development training and activities for teachers.[10]

---

[3] Office of Public Instruction, Web site <www.metnet.state.mt.us>, Mar. 24, 2000.

[4] Linda Peterson, statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Missoula, MT, Apr. 24, 1997, transcript, p. 297 (hereafter cited as Transcript 2). Superintendent Keenan was unable to attend due to a prior commitment.

[5] Ibid., p. 297.

[6] Ibid., pp. 297–98.

[7] The school district was not identified. Several school districts participated in collaboration meetings as part of two statewide conferences. The first conference was held in 1990 and sponsored by the Montana Advisory Council for Indian Education (MACIE) under the direction of the former OPI Indian education specialist, Bob Parsley. The second conference was held in 1995 and convened by Indian leaders from across the state and cosponsored by MACIE and the Montana Indian Education Association (MIEA). The conferences were titled "Montana Forum for Effective Education of American Indian Students."

[8] Linda Peterson, Transcript 2, p. 300.

[9] Ibid., p. 301.

[10] Ibid. OPI foresees the role of the Indian education specialist (one of OPI's goals for improving Indian education) as a team player, integrally related to the agency as a whole, rather than a single entity only taking care of certain issues;

Although vacant since spring 1996, the position was filled in 1999.

Lynn Hinch, bilingual specialist for the Office of Public Instruction, also spoke on behalf of Superintendent Keenan at the Montana Advisory Committee's December 1996 fact-finding meeting in Billings. Activities carried out specific to Indian education over the past 20 years, Ms. Hinch said, included a series of documents, curriculum materials, and teaching materials that were widely distributed in the state.[11] She said feedback "from the field" has indicated that they have been very useful, and the materials are always in demand, requiring multiple reproductions.[12] Over the past five or six years, Ms. Hinch said, one of the major initiatives carried out by the Indian education specialist has been a training institute developed primarily for non-Indian teachers of Indian students.[13] Ms. Hinch said the institutes have been very successful, and teachers in previous institutes produced some of the documents currently in use.[14] Ms. Hinch told the Advisory Committee, "There isn't any federal money coming through the Office of Public Instruction dedicated to Indian education . . . [although] the Office of Public Instruction had received that [Title IV] money for 10 to 12 years."[15] She said that in 1995, some of the federal funds OPI received were used for a budget for the Indian education specialist, but that money was eliminated in 1996.[16] She said one of the initiatives in the superintendent of public instruction's budget for the 1997 Legislature was increased funding for the Indian education specialist that hopefully would allow continuance of the position.[17] Ms. Hinch told the Advisory Committee that the "superintendent . . . is very committed to Indian education in Montana" and hopes that in January 1997 OPI will return to some of the activities previously carried out through the Indian education position.[18]

According to Ms. Peterson, over the past two years, the Office of Public Instruction has worked hard at doing a better job of communicating and coordinating with locally controlled school districts and their schools to make their federal and state programs more effective.[19] An important point made by Ms. Peterson was that "all people have the right to be visible. Each child ought to be able to see himself or herself in the curriculum, in the materials used, in the positive interactions within that school, on the playground, and with adults and other children."[20]

Data collection is also an important aspect of the myriad of duties the Office of Public Instruction performs for the state, school districts, and schools. Each year OPI produces a document that is based on statewide school enrollment and includes racial and ethnic origin totals by grade. OPI also maintains data on teachers and other school personnel, by gender and racial background.

Table 2.1 shows public school student enrollment statewide for the school years 1995–96 (165,547), 1996–97 (164,627), 1997–98 (162,335), and 1998–99 (159,988). Table 2.1 also shows that overall school enrollment declined by 920 students at the beginning of the 1996–97 school year, 2,292 students at the beginning of the 1997–98 school year, and 2,347 students at the beginning of the 1998–99 school year.

After reviewing the enrollment decline of 2,292 students from the 1996–97 to 1997–98 school year, the Montana School Boards Association, in its April 1998 newsletter, reported that the most significant declines occurred in eight Montana counties. These counties (Flathead,

---

also the Indian education specialist would be a part of a much larger team with the ability to help the office as it moves forward in trying to improve teaching and learning for all children. Ibid., p. 304. OPI sponsored (1986–96) an annual training institute to instruct teachers on Native American culture and suggested practices to use in working with Indian children. A document is developed from each institute and is available to teachers. It includes lesson plans and units of study. Throughout the school year, other documents on effective curricula are produced and made available to teachers. About 12 documents are available, including *Understanding Powwows* and *Evaluating Learning Materials for Bias and Accuracy*. Ibid., pp. 301–02.

[11] Lynn Hinch, statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Billings, MT, Dec. 10, 1996, transcript, p. 53 (hereafter cited as Transcript 1). These materials were developed by the former Indian education specialist, Bob Parsley. Ibid.

[12] Ibid., pp. 53–54.

[13] Ibid. The institute is a weeklong session held during the summer.

[14] Ibid.

[15] Ibid., pp. 78–79.

[16] Ibid., p. 79.

[17] Ibid., p. 54.

[18] Ibid., p. 58.

[19] Linda Peterson, Transcript 2, pp. 303–04.

[20] Ibid., p. 304.

TABLE 2.1

Student Enrollment in Montana Public Schools

Race	1995–96	1996–97	1997–98	1998–99
Native American	16,137	16,301	16,245	16,349
Asian	1,347	1,357	1,372	1,353
Hispanic	2,330	2,481	2,347	2,528
Black	835	997	935	906
White	144,898	143,491	141,436	138,852
Total	165,547	164,627	162,335	159,988
Enrollment decline		(920)	(2,292)	(2,347)
Native American enrollment (%)	9.8%	9.9%	10%	10.2%

SOURCE: Office of Public Instruction, "Montana Public School Enrollment Data" reports, fall 1995–96, 1996–97, 1997–98, and 1998–99.

Hill, Lake, Lincoln, Missoula, Ravalli, Rosebud, and Yellowstone) accounted for half the enrollment decrease.[21] The Montana Advisory Committee found that several school districts with high Native American student populations were located in the counties accounting for high enrollment decline. The following list shows 1997–98 data for six of the eight counties with high enrollment declines, which include school districts with large Indian student populations:[22]

- **Flathead County**
  School districts: Kalispell, Flathead
  Enrollment decline: 230 students

- **Hill County**
  School districts: Box Elder, Havre, Rocky Boy's
  Enrollment decline: 143 students

- **Lake County**
  School districts: Arlee School, Polson, St. Ignatius, Ronan
  Enrollment decline: 110 students

- **Missoula County**
  School district: Missoula
  Enrollment decline: 159 students

- **Rosebud County**
  School districts: Colstrip, Lame Deer, Ashland
  Enrollment decline: 101 students

- **Yellowstone County**
  School district: Billings
  Enrollment decline: 106 students

The information provided by the Montana School Boards Association suggests that schools and school districts with large numbers of Native American students may be experiencing high dropout rates.

The Office of Public Instruction also maintains data on how well students are achieving. Accredited schools are required under Rule 10.56.101, Administrative Rules of Montana (ARM), to report norm-referenced test scores for students in grades four, eight, and 11 in reading, language arts, math, science, and social studies.[23] Although test scores of Native American students were not mentioned specifically, OPI's 1994–95 report, with all schools participating, concluded that "with few exceptions, Montana students' average scores in grades four, eight, and 11 are well above the national average, which is consistent with the National Assessment of Educational Progress (NAEP) state-by-state test results and with American College Testing program (ACT) and Scholastic Aptitude Test (SAT) College Board scores showing Montana students scoring significantly above national averages."[24] Students cumulatively received the seventh highest score nationwide in reading (1994).[25] Each year, approximately 21 percent of Montana seniors take the SAT and 58 percent take the ACT. For the 1995–96 school year, Montana seniors scored above the national average on both exams.[26]

---

[21] Montana School Boards Association, *The Bulletin*, April 1998, pp. 1, 5. Note that the Montana School Boards Association failed to provide the Rocky Mountain Regional Office (RMRO), U.S. Commission on Civil Rights, a copy of its directory of members of Montana School Boards, after requests were made in writing and in person by RMRO staff.

[22] Ibid.

[23] Office of Public Instruction, *Montana Statewide Summary, 1994–95 Student Assessment Rule 10.56.101*, ARM, Mar. 28, 1996. The scores are reported annually to the Office of Public Instruction, with the fall report in the following school year. Ibid.

The Office of Public Instruction is concerned with the dropout rates of Native American students and maintains data in that area. OPI's definition of a dropout is as follows:

> An individual who: (1) was enrolled in school on the date of the previous year October enrollment count or any time after that date during the previous school year; and (2) was not enrolled on the date of current school year October enrollment count or was not enrolled at the beginning of the previous school year but was expected to enroll and did not enroll during the year ("no shows"); and (3) has not graduated from high school or completed a state- or district-approved high school educational program; and (4) has not transferred to another school, been temporarily absent due to a school-recognized illness, suspension, or death.[27]

Ms. Hinch reported 1994–95 dropout figures, taken from the OPI document, *1994–95 Montana Dropout Information*, which showed that Native American students drop out of high school at a rate of 10.4 percent, and that they are 3.6 times more likely to drop out than white students. In the seventh and eighth grades, Indian students were dropping out at a rate of 1.5 percent, and were five times more likely to drop out than white students in the same grades. Ms. Hinch said overall Native American students are at higher risk for dropping out of school and are most likely to drop out in the ninth grade.[28]

The Advisory Committee asked Ms. Hinch if the state knows the true dropout rate. She responded, "This complete [*1994–95 Montana Dropout Information*] document addresses how difficult it is to really get a handle on dropout rates, and I don't know the answer to that."[29] Ms. Hinch acknowledged that this was the first time "actually that OPI has tried to get a handle on the dropout rates."[30] She also said OPI plans to look at those numbers in subsequent years because there are many obstacles to getting accurate dropout rates.[31] She said some of the questions OPI has grappled with include why Native American students are most likely to drop out in ninth grade and how to get a more accurate count of ninth graders who still live in the district but are not in school regularly.[32]

OPI's *1996–97 Statewide Dropout Report* includes information from 98 percent of Montana's high schools. Of those districts with high Native American enrollment, 30 percent did not provide dropout reports. Specifically, six of the 14 high schools and 24 of the 55 schools that had seventh- and eighth-grade enrollment did not report dropout figures to OPI. From data it did receive, OPI found the Native American dropout rate to be about 3.5 times higher than the statewide rate. Table 2.3 shows that Indian students realized a dropout rate of 19.4 percent during the 1996–97 school year, compared with 8.5 percent for all other students (white, black, Asian, and Hispanic). Native American dropout rates jumped from 10.4 percent to 19.4 percent within three school years (1994–95 through 1996–97).

As table 2.1 illustrates, Native American students represented 9.8 percent of the total school population for 1995–96, 9.9 percent for 1996–97, 10 percent for 1997–98, and 10.2 percent for the 1998–99 school year.

Although table 2.1 shows that Native American student enrollment increased over the past four school years, enrollment data by grade painted quite a different picture. Reviewing the secondary level only (9–12 grades), and analyzing Native American students who entered the ninth grade during the 1995–96 school year and then looking at the number of students who entered the 10th grade during the 1996–97 school

---

[24] Ibid. School districts choose from five norm-referenced standardized tests, with the most widely used being the Iowa Test of Basic Skills taken by 40.9 percent of the students. Ibid.

[25] Office of Public Instruction, *Facts about Montana Education*, July 1996. National Assessment of Educational Progress is an assessment tool used by OPI.

[26] Ibid. SAT: Montana verbal score 473, national score 428; Montana math score 536, national score 482. ACT: Montana score 21.8 and national score 20.8. Ibid.

[27] Office of Public Instruction, *1994–95 Montana Dropout Information*, November 1996, p. 4.

[28] Lynn Hinch, Transcript 1, p. 57.

[29] Ibid., p. 59.

[30] Ibid., p. 60.

[31] Ibid., p. 61.

[32] Ibid.

TABLE 2.2

Native American Student Enrollment in Montana Secondary Public Schools

	October 1995		October 1996		October 1997		October 1998	
Grade	Male	Female	Male	Female	Male	Female	Male	Female
9th	683	595	688	664	712	688	713	686
10th	489	472	492	453	530	535	544	521
11th	421	397	388	389	445	406	436	452
12th	342	307	351	356	324	341	374	337
Ungraded	8	6	12	6	9	2	7	6
Graduates	333	299	339	283	309	327	297	329

SOURCE: Montana Office of Public Instruction, Race/Ethnic Origin Totals by Grade—October 1995, 1996; 1997, 1998 tables as reported in Montana Public School Enrollment Data Reports—fall 1995–96, fall 1996–97, fall 1997–98, and fall 1998–99.

TABLE 2.3

Student Dropout Rates in Montana Public Schools

7th and 8th grade students

School year	Native American	Hispanic	Black	Asian	White
1995–96	2.3%	2.3%	2.6%	0.7%	0.2%
1996–97	2.2%	3.1%	1.1%	0.0%	0.4%
Average	2.25%	2.7%	1.85%	0.35%	0.3%

High school students (9–12)

School year	Native American	Hispanic	Black	Asian	White
1995–96	10.9%	13.0%	13.8%	6.4%	5.2%
1996–97	19.4%	12.0%	6.0%	4.1%	4.6%
Average	15.5%	12.5%	9.9%	5.25%	4.9%

SOURCE: Denise Juneau, Indian education specialist, Office of Public Instruction, submitted to Malee V. Craft, civil rights analyst, Rocky Mountain Regional Office, U.S. Commission on Civil Rights, Mar. 21, 2000.

year, and so on, table 2.2, derived from OPI fall enrollment reports, shows that Native American enrollment actually declined during those same years. As an example, the 1995 fall enrollment data recorded 683 Native American males enrolled in the ninth grade; however, only 492 males enrolled in the 10th grade for the 1996–97 school year. The following school year, 1997–98, only 445 Native American males enrolled in the 11th grade, and only 374 reported for their senior year (school year 1998–99). Office of Public Instruction fall enrollment reports for female Native American students for those same years showed a similar decline. These data validate what many parents, students, and educators already knew—Native Americans are dropping out of school at high rates.[33]

Ms. Hinch said the Office of Public Instruction would ask more specific questions in the future as it collects data from school districts. Current problems with data collection include (1) achievement test scores that are difficult to interpret because there is no continuity in how school districts report those scores, and (2) some districts including special education students in their figures, while others exclude limited-English-proficient students.[34]

---

[33] Ibid., p. 55.

[34] Ibid., p. 63.

The Office of Public Instruction does not administer either the Johnson-O'Malley or Title IX Indian Education programs, which are funded with federal dollars. The federal government reimburses schools for the cost of educating Indian children.[35] She said school districts use those dollars in different ways, including for tutoring, parent involvement activities, and cultural activities.[36] The local school districts are not accountable to the Office of Public Instruction and there is no central agency to oversee implementation of their programs, Ms. Hinch said.[37]

Superintendent Keenan said, "Montana schools are constantly looking for ways to improve student learning; we are aggressively strengthening our academic standards and seeking to provide our teachers with the tools and training necessary to meet the challenges of the next century."[38] However, Ms. Peterson acknowledged, "It is a fact that there is no teeth in virtually everything the Office of Public Instruction is all about." Local control is the norm, with decisions typically coming from school boards.[39] She said, "There is nothing in place to mandate the language in the state constitution, and a remedy would have to come through the court system."[40] However, OPI has put in place two improvements.

According to Ms. Peterson, the first improvement is Project Excellence, which was established to conduct standards reviews. Through Project Excellence, OPI has begun to develop clearer course content standards and performance standards. School districts and Indian parents have input in determining course content and developing alternative ways to measure knowledge. Second, Adequate Yearly Progress was developed to review from year to year how a school is doing in terms of meeting a certain level of achievement and ensuring that all students graduate.[41] For those schools that do not measure up according to the assessments, OPI would consult with the school to identify problems and recommend strategies for improvement.[42]

Board of Public Education

The Board of Public Education was established to carry out its constitutional and statutory responsibility to exercise general supervision over the public school system. The Board of Public Education works in cooperation with the Office of Public Instruction. Board members are appointed by the governor and serve seven-year terms. Responsibilities of the board are to make policy and establish rules for the accreditation of public schools and the accreditation of teacher education programs; handle certification of teachers and school administrators; monitor educational issues and legislative activities; and communicate with communities to improve information sharing.[43]

For the 1996–97 school year, the Board of Public Education adopted a plan to develop a long-term strategy to increase the number of teachers and administrators fluent in Native American languages.[44] Leading up to that plan, in 1996, the Board of Public Education adopted a policy to institute a "Class 7" teaching certificate, which makes it easier for individuals of Native American background to teach in the public schools. Requirements under the Class 7 certificate include a stipulation that teachers have authorization from their respective tribes before teaching their language and culture. Dr. Wayne Buchanan, executive secretary for the Board of Public Education, said this new class of certification was a "major step forward" and would allow "tribal elders and folks that perhaps do not have the full amount of higher education and the other requirements that are necessary to receive a teaching certificate in the state to teach in the public schools and be fully accredited certified teachers under our rules."[45]

---

[35] Ibid., p. 79.

[36] Ibid., p. 80.

[37] Ibid.

[38] Office of Public Instruction, Web site <www.metnet.state.mt.us/Mont>, Mar. 24, 2000.

[39] Linda Peterson, Transcript 2, p. 315.

[40] Ibid.

[41] Ibid., pp. 315–16. OPI received $350,000 to begin the process. OPI was actually carrying out the concept of Project Excellence 10 years ago, and it would be a restart of a former process. Adequate Yearly Progress, a component of the Title I program, examines students at the fourth, eighth, and 11th grade levels. These programs operate over a 10-year period.

[42] Ibid., p. 316.

[43] Board of Public Education, *Goals and Objectives, 1996–1997.*

[44] Wayne Buchanan, Transcript 1, pp. 45–46.

[45] Ibid., p. 46.

Dr. Buchanan referred to Senate Joint Resolution No. 11, which authorized the Committee on Indian Affairs to study how the state is implementing its constitutional language to carry out the educational goals of Native Americans and to preserve their cultural integrity.[46] Anticipating long-awaited change, he said, "It appears that finally after 20 years, a law will be established to implement the constitutional language."[47] Dr. Buchanan explained that the constitutional language was not self-executing and had not been adhered to. "It has not been taken seriously. As a matter of fact, one of the people from the legislative council working on this said it was just philosophical language and that it really wasn't anything that needed to be followed very closely," he said.[48] Dr. Buchanan further said the Board of Public Education thinks otherwise, and in a separate move, has drafted language to implement the constitutional language. The language will be—

> a separate chapter in the Montana Codes Annotated, and it will set forth the responsibility for any educational agents, or any educational agency, to [acknowledge and recognize the importance of] the Board of Public Education, the superintendent of public instruction, the county superintendents of schools, local school boards, and special task forces assigned to deliberate on educational issues, and any other agency of government that makes rules pertaining to the operation of the schools, teaching students, and transportation.[49]

The language has a set of definitions to accompany it and will require that any educational agency as defined take into consideration how its rules and regulations will affect the preservation of the distinct and unique cultural heritage of Native Americans. Dr. Buchanan said he hoped the legislation would pass during the 1997 Legislative Session, and then there would be a law on the books that finally implements the constitutional language.[50] The Board of Public Education was working with legislators to put the recommendation in bill form and to put it through the political process in preparation for the biennial session of the Montana State Legislature that convened in January 1997.[51] He further stated, "Whether it will be adopted or not, I couldn't say. I think it has a good chance at being adopted, however. The Legislature, most of the time, is good at adopting resolutions that are nonbinding on anyone, but this would be a different approach."[52] (The proposed legislation failed passage during the 1997 Legislative Session.)

Dr. Buchanan said he thought one of the reasons the board established a Class 7 certificate was to ensure that those individuals in that class were treated the same as those in other school districts who were Class 1, 2, 3, 4, 5, and 6 certificate holders.[53] He said the board already had an emergency authorization in place, and tribal members who wanted to teach in the schools taught under that authorization.[54] He further said Class 7 certification gives individuals the same status as other certified teachers, and consequently they fall under the same collective bargaining agreements.[55] He said:

> The other significance of the Class 7 is that it puts into the hands of the various tribes who is certified to teach their language and culture. [Before] the Class 7 certification, a teacher had to be certified before they could teach the Crow language and the teacher might only have had a very limited knowledge of the Crow language, but that individual could have been certified by the state to teach Crow in the public schools. Because of that, the board felt it was important to give that responsibility of certification to the tribes rather than the university system, the superintendents, or anyone else.[56]

Joyce Silverthorne, vice chair of the Montana Board of Public Education, explained the Class 7 certification for teaching Native American languages. The Class 7 certification, which is unique to Montana, was established after consultation with the state's seven reservations and the Little Shell Tribe.[57] This Class 7 certification recognizes the autonomy of the tribes as the only groups that can determine who is eligible and capable of teaching a Native language.[58] The reservations in the state represent 11 indigenous languages, and so far three tribes have developed plans for recommending a language teacher. The other four tribes are still developing those plans, and they will be coming forward.[59]

---

[46] Ibid., pp. 46–47.

[47] Ibid., p. 47.

[48] Ibid.

[49] Ibid., pp. 47–48.

[50] Ibid., p. 48.

[51] Ibid., p. 73.

[52] Ibid.

[53] Ibid., p. 61.

[54] Ibid., pp. 61–62.

[55] Ibid., p. 62.

[56] Ibid., pp. 62–63.

[57] Joyce Silverthorne, Transcript 2, p. 306.

Montana has more than 300 school districts, in which 21 Native American language classes are taught. Of the 21 teachers conducting these classes, eight of them became Class 7 certified teachers within the first year the certification was offered.[60] The certification is controversial, partly because it does not require a four-year college degree. Ms. Silverthorne compared the controversy to a "backlash," and because it is new, she said, "it is a threat in some ways to people who have gone through the process of teacher training. They can't understand what is happening."[61] She explained that most Indian languages are in a state of decline with the youngest speakers over 35 years old, and in some tribes, the only remaining speakers are older than 50. "The severity of that age decline prevents us from having people coming forward into a four-year degree program," she said.[62]

Regarding the relationship between the Board of Public Education and school districts, Dr. Buchanan said general supervision of schools is vested in the Board of Public Education, but local school districts have control over their individual schools.[63] The Board of Public Education encounters the problem of school districts ignoring board policies, and it is trying to initiate change at the state level. However, the board has limited authority. He suggested that if a law could be enacted to implement the constitutional language to require that local school districts take into consideration the language in adopting rules, regulations, and laws, then Indian education would serve students better.[64]

Dr. Buchanan informed the Montana Advisory Committee that the Board of Public Education requires continuing education for teachers.[65] But he said, where the board may "require" specific continuing education courses, enactment would fall back under the law, where the law says that it is "permissive."[66] To clarify in the case of Indian studies, Dr. Buchanan said, "When [the State Legislature] makes it permissive, then we can't come back and make it mandatory. So that has been the general rule. . . , we don't know where our authority lies at this point, to tell you the truth."[67]

Joyce Silverthorne alleged that state legislators in Montana have been unsupportive of Native American issues. Of three bills dealing with Native American issues submitted to the Legislature, none passed. She said, "It is a long struggle" and "Indian education in this state is in dire circumstances."[68] Ms. Silverthorne said change is slow and until there are more Indian people in the State Legislature, on school boards, and serving as teachers, principals, and superintendents, her work must continue.[69]

What needs to be done to implement the language in the state constitution regarding equal education for Indian students? First, several proposals have been developed, proposed, and presented and Ms. Silverthorne noted, "Until there is a court case that says you must do it this way, we're kind of at an impasse."[70]

Office of the Commissioner of Higher Education

The Office of the Commissioner of Higher Education is responsible for tracking students enrolled in institutions of higher education across the state. In 1989, with the assistance of a Ford Foundation grant, the office began the Tracks Project to address the high dropout rate of Indian students from public schools. One outcome of the Tracks Project was the creation of the American Indian Minority Achievement Office of the Commissioner of Higher Education.[71] The project also presented a long-term demographic view of how Native American students are doing within the university system.[72]

---

[58] Ibid., p. 308.

[59] Ibid., p. 307.

[60] Ibid., pp. 307–08.

[61] Ibid., p. 308.

[62] Ibid.

[63] Wayne Buchanan, Transcript 1, p. 71.

[64] Ibid., p. 72.

[65] Ibid., p. 76.

[66] Ibid.

[67] Ibid., p. 77.

[68] Joyce Silverthorne, Transcript 2, p. 308.

[69] Ibid., p. 309.

[70] Ibid., p. 318.

[71] *Tribal Nations of Montana*, a handbook for legislators, March 1995, p. 75.

[72] Ellen Swaney, Transcript 1, p. 37.

Ellen Swaney, director of the American Indian Minority Achievement Office, explained that all campuses in the university system have action plans to increase the number of minority students and faculty.[73] The American Indian Minority Achievement Office provides diversity training throughout the system by request for any department or organization, and works closely as a liaison with legislative committees, Indian education organizations, as well as other organizations, such as the Montana Association of Student Financial Aid Officers.[74] Fee waivers are available through the university system for Indian students who (1) have financial need, (2) are able to document they have one-quarter Indian blood, and (3) can prove residency in the state.[75]

Within the Montana university system (tribal colleges and private colleges), approximately 8.57 percent of the student population is Native American. Without considering private and tribal colleges, about 2.97 percent of students in the Montana university system are Native American.[76] Ms. Swaney said that as an Indian educator, "We need to recruit three to four times the number of [Indian] students that we have in higher education right now."[77] She said that five years ago the Office of the Commissioner of Higher Education and the American Indian Minority Achievement Office in their report, *A Plan for American Indian Education: Recommended Goals*, made several recommendations to the Board of Regents, the Board of Public Education, the Office of Public Instruction, local school boards, and the Indian community.[78]

Committee on Indian Affairs

The Committee on Indian Affairs, established by the State Legislature for Native Americans to communicate their needs and concerns, was asked in 1995 by state legislators to examine whether Montana met its constitutional educational obligations to Native Americans.[79] To accomplish this goal, the Committee on Indian Affairs conducted a random survey of public schools and their respective school districts. The Office of Public Instruction assisted with the development of the survey.[80]

Surveys sent to schools addressed such areas as Indian studies courses, textbooks, resources, and special activities.[81] Questions to school districts covered such areas as pupil instruction-related (PIR) days, teacher recruitment, use of noncertified personnel, assessment of language needs, and adherence to the Indian Studies Law.[82] The purpose of the school district survey was to find out what schools and districts were doing in the area of Indian studies for students and teachers.[83]

In 1995, there were approximately 358 public school districts encompassing 165,547 students.[84] The school district survey was sent to 153 school districts across the state, with a response rate of 79 percent, or 121 surveys returned. The school survey was sent to 363 of the state's 886 public schools. Of the 363 surveys sent, 283 were returned, for a response rate of 77 percent.[85] School districts were asked if certified personnel in their school districts were required to take instruction in American Indian studies to be employed. Of the 119 districts that responded to the question, only 7 percent (or eight school districts) answered "yes."[86] For many years, members of the Indian education community have encouraged school districts to devote at least one pupil instruction-related day to Indian studies or Indian cultural awareness. Of the 120 school districts that responded to the question, only 22 percent (or 26 school districts) answered "yes."[87] Overwhelmingly, local trustees in Montana have opted not to implement the Indian Studies Law in their school districts.[88]

---

[73] Ibid.

[74] Ibid., pp. 37–38.

[75] Ibid., p. 40.

[76] Ibid., p. 39. Figures are based on 1996–97 fall school year enrollment. Ibid.

[77] Ibid., p. 39.

[78] Ibid., p. 40.

[79] Joan Hurdle, member, Legislative Committee on Indian Affairs, Transcript 1, p. 5.

[80] Montana Legislative Services Division, *To Promote a Better Understanding: The 1995–96 Activities of the Committee on Indian Affairs*, December 1996, p. 13 (hereafter cited as *Committee on Indian Affairs Report*).

[81] Joan Hurdle, Transcript 1, pp. 9–10. The return rate for these surveys was 77 percent. Ibid., p. 10.

[82] *Committee on Indian Affairs Report*, p. 14.

[83] Joan Hurdle, Transcript 1, p. 9.

[84] Office of Public Instruction, *Facts about Montana Education*, July 1996.

[85] *Committee on Indian Affairs Report*, p. 18.

[86] Ibid., p. 14.

[87] Ibid.

Schools were also asked if they offer courses in American Indian studies at any grade level. Of the 278 schools that responded to the question, 22 percent (61 schools) replied "yes."[89] Schools were asked if they use any of the education materials developed as a result of the Indian Studies Law; a little more than half (55 percent) of the schools indicated that they knew of these materials. However, only about one-quarter (71 schools) actually used the materials.[90] The school survey asked if curriculum materials related to Indian studies would be used if the materials were available. The overwhelming response was "yes." Almost three-fourths of the schools surveyed, however, indicated that American Indian Law-related education materials developed by the Office of Public Instruction were not being used, and many schools were unaware that the materials were available.[91]

Representative Joan Hurdle, Montana State Legislature, said schools also offer special activities or programs that highlight Indian history and culture.[92] She said Indian students make up about 10 percent of the K–12 public school population in Montana, and Indian teachers account for less than 3 percent of teachers.[93]

In addition to the school surveys, the Committee on Indian Affairs held statewide hearings to receive testimony from parents, students, and educators. Representative Hurdle said the committee was overwhelmed with an array of concerns that included irrelevant curricula, high Indian student dropout rates, discriminatory practices, and insensitive teachers and administrators.[94] "As a committee member, it certainly became apparent to me that in our public schools in Montana, we are not meeting our constitutional obligations. We are not doing what we agreed to do in our constitution," she said.[95] Montana has a "wonderful" education system as far as the quality of teaching staff is concerned, Representative Hurdle said, but more Indian teachers are needed.[96] She explained that many teachers' efforts are actually individual efforts, not programs endorsed by the schools. She also said the Committee on Indian Affairs survey showed that teachers in some school districts are doing a good job, but school districts in general are not requiring that curricula include Indian education, and the state is lacking in the same manner.[97]

Office of Indian Affairs

The Office of Indian Affairs was established by the Montana State Legislature in 1951 to "place our Indian citizens in a position to take their rightful place in our society and assume their rights, duties, and privileges of full citizenship," and to address problems faced by Indians who reside in Montana.[98] The office, represented by the coordinator, communicates opinions and needs of Indian people within the state to agencies of responsibility, assists in organizing their efforts, and acts as a representative for organized bodies of Indian people, whether on or off the reservation.[99]

Wyman J. McDonald, former coordinator of the Office of Indian Affairs, told the Montana Advisory Committee that "Indian people are attempting to integrate the best of the old: beauty, strength, integrity, and the uniqueness of traditional Indian cultures, with the best of the new and be able to integrate the two cultures together to make a better world for our people."[100] In reflecting on his experience with public education in the state, he explained that more than 50 years ago, when he was in the fourth or fifth grade, he considered dropping out of school, and stated that "the data and information on dropouts in the elementary grades shared by others during the fact-finding meeting, makes it appear that not much has changed."[101]

---

[88] Joan Hurdle, Transcript 1, p. 9.

[89] *Committee on Indian Affairs Report*, pp. 18–19.

[90] Ibid., pp. 21–22.

[91] Joan Hurdle, Transcript 1, p. 10.

[92] Ibid.

[93] Ibid., pp. 10–11.

[94] Ibid., p. 12.

[95] Ibid.

[96] Ibid., p. 27.

[97] Ibid.

[98] Montana Code Annotated, 90-11-101.

[99] Ibid. The Office of Indian Affairs is administratively attached to the governor's office. Ibid.

[100] Wyman McDonald, Transcript 2, p. 310. In 1951, the Montana Legislature created the position of coordinator of Indian affairs in recognition of the need to provide a way for Native Americans to communicate with state government. The coordinator serves as a spokesperson for Indian tribes and helps them work with state agencies. Source: *Tribal Nations of Montana*, a handbook for legislators, March 1995, p. 13. Mr. McDonald resigned from his position in December 1999.

Sharing his personal point of view, Mr. McDonald said people need to understand that non-Indians are not solely to blame for the plight of Native American students. "Our tribal leadership has certainly, in many cases, been just as remiss as all of the other institutions," he said.[102]

Office for Civil Rights, U.S. Department of Education

David Dunbar, chief regional attorney, Office for Civil Rights (OCR), U.S. Department of Education, Denver Office, said his office enforces laws that tackle problems in education. These laws include Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973.[103] The Office for Civil Rights enforces Title VI in regard to the delivery of language services in educational institutions.[104] Public schools have an obligation to educate students who have problems in English and are required to bring them up to a level where they can receive an equal educational opportunity and overcome language difficulties.[105] Mr. Dunbar referred to testimony of the superintendent of the Billings School District who indicated that the district's limited-English-proficiency program served only 31 students, even though the school district is the largest in the state. He said, "We have found that there is a problem in every school district that we have dealt with. They are not adequately serving students with language problems."[106] He said many school districts report low numbers of students they are serving because they do not have an adequate identification system.[107] Mr. Dunbar said, "Our office has put forth a policy that essentially guides school districts in implementing a plan for language services. We have put a number of school districts under federal monitoring to ensure that they do what they are supposed to do."[108]

Another aspect of the language issue is mislabeling Indian children and placing them in special education classes. Mr. Dunbar said when OCR addresses this issue, it generally finds that suitable procedures are not in place. And when that is the case, OCR requires changes, regardless of whether the placements were appropriate.[109]

Mr. Dunbar also addressed the issue of mascots, and said the Office for Civil Rights does not allow school districts to maintain a "racially hostile environment." He said:

> If there are caricatures of Indians who are running around like cartoons—this problem has surfaced in other parts of the country—we have stepped in and said this is creating a racially hostile environment for the Indian students; it is interfering with their ability to learn and we want you to change what you are doing. We have the authority to do that, and our authority is predicated on the fact that all school districts receive federal monies. If they don't do what we require, we are going to cut that money off.[110]

Questioned about his perception of unequal disciplinary actions across the state, Mr. Dunbar said although he could not respond to any specifics with regard to Montana, his experience with other schools and other states confirms that it occurs whenever there is a large minority population. Indian students are referred for discipline for different reasons than white students are.[111] He said OCR is called in when it receives complaints where the students and parents perceive inequitable treatment.[112] He told the Advisory Committee:

---

[101] Ibid., p. 312.

[102] Ibid., pp. 311–12.

[103] David Dunbar, Transcript 2, p. 20. Mr. Dunbar has extensive experience in Indian education issues. He has worked with tribes in Montana for many years, and was general counsel for the National Congress of American Indians and law clerk for the Native American Rights Fund. Ibid., p. 21.

[104] Ibid., p. 22. By law, public schools have an obligation to educate students who have difficulty with English.

[105] Ibid. This requirement is the result of the 1976 Supreme Court case, *Lau v. Nichols*, 414 U.S. 563 (1974). The Court upheld the validity of federal agency regulations promulgated under Title VI of the Civil Rights Act of 1964 specifically addressing educational issues relating to national origin minority students.

[106] Ibid. The Office for Civil Rights assesses and identifies affected students and evaluates the service delivery mechanism school districts have in place.

[107] Ibid., p. 23.

[108] Ibid. These are constitutional guarantees under Title VI, ruled on by the Supreme Court. Ibid.

[109] Ibid., pp. 49–50. Disparate treatment is intentional discrimination. Disparate impact can be unintentional. Ibid., p. 49.

[110] Ibid., pp. 26–27.

[111] Ibid., p. 27. Mr. Dunbar, no more than six months earlier, had spoken with several individuals on the Flathead Reservation concerning discipline. Ibid.

> So even though the school district has a record saying this student was referred for this reason, oftentimes we see that white children are not referred for the same reasons, so that is a problem. We can also step in and help in that area. The school districts have the obligation as public school systems [to treat all children fairly] and they need to follow through with that obligation.[113]

Although Montana's Constitution indicates a strong commitment to Indian education, the state's actions have not reflected that commitment, Mr. Dunbar said. He noted that OCR can only go into a school district when requested or if it perceives a problem that is so acute that immediate attention is required. Complaints that have sufficient factual basis will be addressed and resolved, and the school district will be monitored to ensure that the pattern does not reappear, he said.[114]

Mr. Dunbar responded to a question about what information is shared with parents, such as grievance policies, and what types of complaint resources are available to them. He said:

> Many rural school districts do not comply with the regulations that we enforce which require that they have in place an internal grievance process to internally deal with these matters, as well as to notify students, staff and teachers that the Office for Civil Rights is there and what our statutory authorities are.[115]

The Office for Civil Rights often finds that school districts do not pay attention to what is contained in federal funding compliance agreements as long as they get the federal dollars. He added, "Oftentimes when we send people out in the field to do presentations, that's the first contact parents have that we even exist. We are deluged with complaints after that, because they say, 'Now we know you are there and we have problems and we want them corrected.' "[116]

Mr. Dunbar was asked whether the dearth of Native American school board members, superintendents, administrators, teachers, and counselors would fall under the jurisdiction of Title VI. He responded, "[OCR] would have jurisdiction over that matter because Title VI regulations specifically prohibit discrimination on the selection of board members, advisory committees, and the like."[117] However, OCR's jurisdiction under Title VI gets more complicated because school boards are usually elected and it may be prohibitive in terms of OCR stepping in to say that discrimination has occurred.[118] He said, "Our primary purpose is to ensure that students receive services and if we perceive that the administration of the school is being conducted in a way that has a negative impact on that, we will assert jurisdiction."[119]

Educational Equity Center

Gerald L. "Jerry" Brown, former director of the Educational Equity Center, also known as the Desegregation Assistance Center, Metropolitan State College in Denver, appeared before the Montana Advisory Committee.[120] Mr. Brown said his office helps school districts overcome desegregation problems through technical assistance in the preparation, adoption, and implementation of desegregation plans. Desegregation centers were established because Congress recognized that school districts would need assistance in desegregating their programs, and "initially in the South that was racial desegregation, but it also applied to all other kinds of segregation, including not providing math and science for girls in high school or preparing them for nontraditional careers, as well as language minority students and racially motivated discrimination of any kind in schools."[121] The Educational Equity Center gets involved after the Office for Civil Rights cites school districts or the school districts themselves recognize that they have a problem and contact the center for assistance with developing plans to remove barriers to educational equity.[122] He said the Region VIII OCR "has been very active for the past five years and has cited a lot of school districts in the eight-state region."[123] Mr. Brown explained that the center's second objective is to provide technical assistance and advice in handling problems such as sexual harassment, racial harassment, and school walkouts.[124] The Educational Equity Center can do training on nondiscriminatory practices on the basis of race, gender, and national origin. The center's third objective is to provide training to educators, parents, and other community members to improve their ability to deal effectively with school desegregation. And finally, its fourth objective is to help schools disseminate information on effective methods to combat desegregation problems.[125]

---

[112] Ibid., p. 31. Mr. Dunbar said that OCR has a structured approach as the agency gathers information and evidence during the investigative process. Sometimes a factual basis cannot be established because the school district does not keep records. When this is the case, OCR requires the district to maintain records and then monitors the school for several years to ensure that students are being treated equally. Ibid.

[113] Ibid., p. 28.

[114] Ibid., p. 50.

[115] Ibid., p. 52. Requirements for school districts are contained in the assurances that they sign when they receive grant monies, as well as federal dollars. Those individuals who have dealt with federal contracts are aware that there is an assurance that is normally signed off on by the top official of the district. Ibid.

[116] Ibid., p. 53.

[117] Ibid., p. 54.

[118] Ibid., pp. 54–55. Areas of this nature are often politically motivated, as well as racially motivated, and they are very hard to prove. Ibid., p. 55.

[119] Ibid., p. 55.

[120] Gerald Brown, Transcript 2, p. 35. The center is funded as a Desegregation Assistance Center under Title IV of the 1964 Civil Rights Act. There are 10 Desegregation Assistance Centers throughout the United States.

Mr. Brown also discussed discrimination in Montana from a personal perspective and said the discrimination he experienced in 1946 also affected his son in 1980. "It was just shocking to me to find that he was finding the same thing that I found in 1946."[126] Mr. Brown said when he went to the school to discuss his son's low grades in science, the teacher said, "Well, Mr. Brown, you know that Indian children don't do well in science."[127] Aware that each child is entitled to equal education under the law, he responded, "I think the schools have to adopt a policy of having the highest expectations for all students, as well as their teachers."[128] Mr. Brown concluded, "A lot of the problem is with the inadequate preparation of teachers, and a lot of the effort has to be directed in terms of preparing teachers to work with students of diverse backgrounds."[129]

---

[121] Ibid.

[122] Ibid., p. 36. Those school districts that have been cited by OCR get priority. Ibid.

[123] Ibid. For protection of privacy, Mr. Brown could not identify or give testimony about specific school districts that his office was servicing, but he did confirm that a number of school districts in Montana were being assisted. Services are offered without charge to school districts. Ibid., p. 38.

[124] Ibid., p. 39. Even when schools have in place comprehensive plans or equitable programs, problems still arise.

[125] Ibid., p. 41. The center collaborates with other federally funded service providers.

[126] Ibid., p. 45. Mr. Brown was referring to the Ronan public schools, which are located on the Flathead Reservation.

[127] Ibid., p. 46.

[128] Ibid., p. 47.

[129] Ibid.

CHAPTER 3

Public School Student and Staff Perspectives

Many of Montana's Indian children who attend public schools reside on or near reservations. There are seven Indian reservations in Montana encompassing 10 tribal groups.[1] They are:

Reservation	Tribe
Blackfeet	Blackfeet, Piegan, Blood
Crow	Crow
Flathead	Salish & Kootenai, Pend d'Oreilles
Fort Belknap	Assiniboine & Gros Ventre
Fort Peck	Assiniboine & Sioux
Northern Cheyenne	Northern Cheyenne
Rocky Boy's	Chippewa & Cree

In addition to the seven reservations, Montana is home to (and recognizes) the Little Shell Band of Chippewa, often referred to as "landless Indians."[2] Many people of the Little Shell Band live in Great Falls.

Those students who live on Indian reservations face unique challenges as they attempt to acquire a public school education. First, although these children usually attend schools on or near a reservation, often there are few Native American teachers, counselors, or administrators to guide them. Second, 1990 census figures show that the Flathead Reservation has more non-Indian than Indian residents, while the remaining six reservations have varying percentages of non-Indian residents. Appendix I indicates population totals for each of the seven reservations, and appendix J shows the locations of the reservations. The Office of Public Instruction for the 1996–97 school year reported 14,820 certified staff, as shown in table 3.1. Certified staff includes superintendents, principals, administrative assistants, librarians, counselors, psychologists, curriculum coordinators, special education directors, program/activity coordinators, and teachers. It does not include paraprofessionals and nonprofessionals. As shown in table 3.1, there were 12,315 white teachers and 261 Indian teachers; 784 white administrators (superintendents, principals, and administrative assistants) and 29 Indian administrators; and 1,323 other certified professional white staff (counselors, coordinators, etc.) and 29 Native Americans in those same positions. The data give an overall picture of the imbalance of Indian versus non-Indian educators.[3]

Because of the vast number of school districts and schools across the state, the Montana Advisory Committee identified elementary and high school districts from select areas to analyze and offer as examples. Major cities such as Great Falls, Billings, Helena, and Missoula were selected as well as schools on or near reservations. Elementary and high school districts may be composed of one or several schools.

Student enrollment, teacher, and administrator figures, supplied by the Office of Public Instruction, are shown in table 3.2, "Elementary Student Enrollment and Staffing in Montana Public Schools, 1998–99" and table 3.3, "High School Student Enrollment and Staffing in Montana Public Schools, 1998–99." The elementary school districts include kindergarten through eighth

---

[1] Nate St. Pierre, Center for Native American Studies, Montana State University, Bozeman, MT, letter to Malee V. Craft, civil rights analyst, Rocky Mountain Regional Office, U.S. Commission on Civil Rights, Apr. 22, 1997.

[2] The Little Shell Band of Chippewa received federal recognition in May 2000.

[3] Throughout the report, staffing and student comparisons will be made between Native Americans and whites because other minority student, teacher, and administrator figures are very small.

TABLE 3.1

Certified Staff for Montana Public Schools by Race, Fall 1996–97

Category	White	Indian	Other minority	Total
Superintendent, principal, administrative assistant	784	29	3	816
Librarian, counselor, psychologist	1,059	21	5	1,085
Curriculum coordinator, special education director	61	2	0	63
Activity coordinator, program coordinator	203	6	2	211
Teacher	12,315	261	69	12,645
Total	14,422	319	79	14,820

NOTE: These counts are head counts, not FTE. Totals for individual position categories are not part of data provided by the Office of Public Instruction.

SOURCE: State of Montana, Office of Public Instruction, April 1997.

grade, and the high school districts include grades nine through 12.

Table 3.2 reveals that out of 28 elementary school districts reviewed, 18 had no Native American representation in the administrative ranks. Those districts were Billings, Hardin, Arlee, Kalispell, Missoula, Polson, Ronan, St. Ignatius, Ashland, Colstrip, Cutbank, East Glacier, Harlem, Box Elder, Havre, Frazer, Great Falls, and Helena. Elementary school districts with 50 percent or fewer Native American administrators included Lodge Grass, Heart Butte, Poplar, and Wolf Point. The only elementary districts with more Native American administrators than non-Indian administrators were Lame Deer, Browning, Hays-Lodge Pole, and Rocky Boy's. Pryor and Brockton were the only two elementary districts employing only Native American administrators. Of the 28 elementary districts, 18 had Native American student enrollment of more than 50 percent. In two school districts, all students were Native American.

Table 3.3 shows similar data at the high school district level. Of 25 high school districts, 18 employed no Native American administrators. They were Billings, Hardin, Arlee, Flathead, Missoula, Polson, Ronan, St. Ignatius, Colstrip, Cutbank, Harlem, Hays-Lodge Pole, Frazer, Poplar, Box Elder, Havre, Helena, and Great Falls. In two high school districts, Heart Butte and Rocky Boy's, all administrators were Native American. The percentage of Native American teachers employed at the high school level was also low, with the highest percentage (37.5) of teachers found at Hays-Lodge Pole.

Public School Students

During its fact-finding meetings, the Montana Advisory Committee heard perspectives from several public school students. What they said was thought provoking and should cause parents, educators, and legislators to realize that while the same discussions continue and little or no action has been instituted, Indian children fall by the wayside.

Leslie Caye, a 21-year-old student at the Flathead Reservation's Salish-Kootenai College in Pablo, stated during an interview while attending a national youth conference in Washington, D.C., that he not only worries about his own future, but also wants to make sure that other young Native Americans in Montana get the same opportunities.[4] He is one of the small numbers of Indian students fortunate enough to graduate from high school.

During the Advisory Committee's fact-finding meeting in Billings, Montana, on December 10, 1996, several students from the Fort Peck Indian Reservation shared their opinions on the education they were receiving. The students observed that there are few Native American teachers, and their teaching abilities vary. At the same time, there are non-Indian teachers who also care about equal education for Indian children and those who do not.[5] The students agreed that some teachers encourage success while others do not. Counselors, in general, provide assistance in getting through high school such as suggesting what classes to take, but there is little emphasis on college and career goals. There was no consensus among the students as to qualities that constitute good or excellent teachers and counselors. Students also felt that increasing the number of Indian educators to serve as role models was very important.

---

[4] Jennifer Tomshack, "Indians take education concerns to Washington" *The Great Falls Tribune*, Feb. 11, 1995. Mr. Caye, co-president of United National Indian Youth, a network of 107 youth councils in 28 states, attended a conference on Native American Youth, Washington, D.C., February 1995.

Dallas Big Leggins, a former student at Wolf Point High School on the Fort Peck Indian Reservation, said she dropped out of high school her sophomore year because "I was too scared to ask the teachers for help, and you know, I didn't want to ask them, so I just dropped out."[6] She said that she was afraid to ask questions because she thought teachers would get angry with her if she kept asking the same questions. As an example, Ms. Big Leggins said she realized she had a particularly hard time with math and knew that she would have to ask the same question more than once before she could grasp it. She felt intimidated by her teachers and afraid to ask for help, and eventually she dropped out of school. Ms. Big Leggins said teachers in the alternative class she later attended at the Native American Educational Services College in Wolf Point, Montana, were more approachable and asked students if they needed help.[7]

Sayra Matta, a student at Wolf Point High School, said she had only one Indian teacher who taught Indian studies but learned very little about her culture because of inadequate textbooks. Ms. Matta said, "It's [historical information on Native Americans] all from a non-Indian perspective, and my culture is not taught."[8] She also said that it is "easier to relate" to her Indian teacher because "he understands" and "he has probably been through some of the same things" that she has experienced. She said, unfortunately, some of the other teachers are not sensitive to Indian students' needs.[9] She further explained, "I just think that it [would] be easier to go up and ask . . . an Indian [teacher] for help, because then you feel more comfortable."[10] Ms. Matta said she does not see many boys graduate from high school because they usually do not make it past the 11th grade.[11] The boys drop out because they feel uncomfortable talking on a one-to-one basis with non-Indian teachers, she said. Further, the only class that she had noticed the boys excel in was Indian studies because there was interaction between the student and the teacher. Indian boys need the teachers to say to them, "Oh, you're not doing good in this. I can help you. Do you need help? Or ask them if there's a problem or even to go visit them [at their homes] and get to know them, because there can be a lot of reasons why they're not doing good, and the teachers just need to be sensitive to our needs." At Wolf Point High School some teachers encourage the students, but boys try to put on a front, which makes learning harder, she said.[12] Ms. Matta said she knew of people who had graduated and gone on to college, but "none of them come back to be educators."[13]

Wolf Point High School, on the Fort Peck Reservation, according to Office of Public Instruction 1998–99 staffing figures, had 31 teachers which included two Indian teachers, and three administrators which included one Native American. There were 41 Native American students and 160 white students (see table 3.3).

Michael Bruner, a student at Brockton High School on the Fort Peck Indian Reservation, felt that the Indian teachers who were knowledgeable of Native American culture were more effective.[14] She also said Native American students need someone who can relate to them and offer help.[15] Speaking specifically about boys who drop out, once they enter high school, she said,

---

[5] Statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Billings, MT, Dec. 10, 1996, transcript, p. 191 (hereafter cited as Transcript 1).

[6] Dallas Big Leggins, Transcript 1, p. 188. Ms. Big Leggins was attending an alternative class at NAES (Native American Educational Services) College, Wolf Point, MT. The alternative class was established for dropouts or students expelled or suspended from high school and who were ineligible for re-entry. There were approximately 20 students (all Native American) in the alternative class from her community. Ibid., pp. 188–89.

[7] Ibid., pp. 188–90.

[8] Sayra Matta, Transcript 1, p. 185.

[9] Ibid.

[10] Ibid., p. 193.

[11] Ibid.

[12] Ibid., pp. 192–94.

[13] Ibid., p. 206.

[14] Michael Bruner, Transcript 1, p. 184.

[15] Ibid., p. 192.

"They are already far behind and feel they cannot catch up and are not going to graduate anyway."[16] She said few students at Brockton High School graduate and go on to college, and she could only recall one student who had graduated in the past two years.[17] Brockton High School data show three Indian teachers as compared with 10 white teachers. The administrative staff consists of one Indian and one white person.

Shannon Jackson, a student at Frazer High School on the Fort Peck Indian Reservation, told the Montana Advisory Committee there is one Native American teacher in her school who teaches Native American studies and tribal government. She said, with regard to boys dropping out of school, "On the reservation you cannot drop out until you are 18. After they turn 18, they leave school and do not come back." She said, "Like my cousin, my brother, and my sister, they all stay at home and don't go to school any more."[18] She also said boys start drinking at an early age because in Frazer there is nothing to do—no cultural center or any facilities for after-school activities.[19] Ms. Jackson could recall only one individual she knew who graduated from high school and said she had only one teacher who took the time to tell her what classes she needed for college.[20]

Program Coordinators and Teachers

Missoula County Public School District

Carole Meyers, Indian education Title IX coordinator for Missoula County Public Schools, works with about 400 Native American students in the district. The numbers fluctuate because of dropouts, transfers, and families returning to the reservation.[21] She said she observes many problems and hears of the many problems students face, including racial comments, within the district. She alleged that comments such as "prairie nigger," "wagon burner," and so on are common and make it difficult for a student to go to school and try to be a part of the system.[22] Inservice sensitivity training on cultural diversity and cultural awareness was offered on three occasions within the school district, and only five teachers and a counselor signed up. Ms. Meyers commented, "Sometimes you wonder how much interest there really is."[23]

Starla Klevenberg, bilingual education teacher, Missoula County Public Schools, noted a lack of partnership-building between parents and school personnel.[24]

Polson Partnership Project, Polson School District

Co Carew, Polson Public School District, is program director of Polson Partnership Project, which attempts to foster communication between parents and school district personnel. Ms. Carew, who worked with Cherry Valley Elementary School in Polson, told the Montana Advisory Committee that on the Flathead Reservation, 65 percent of the population are Caucasian and 30 percent are Native American. Problems the Polson Partnership Project has tackled include high absenteeism among Native American students and lack of Native American parental involvement in the schools.[25] To attempt to solve the problems, the project suggested that professional education for the teachers would be helpful as well as parent education and involvement in school activities for parents. Other recommendations included teacher collaboration, student services, and home resource involvement.[26]

Rocky Boy's Public Schools

Robert J. Swan, federal programs coordinator for Rocky Boy's Public Schools on the Rocky Boy's Reservation, said the preparation of teachers and the lack of Native American teachers in Indian schools are priorities.[27] He also said, "Of the 40 Indian schools predominantly in the state of Montana, we only have a handful of Indian school administrators."[28] Dr. Swan alleged that an obstacle (which he felt was a violation of civil rights) is a biased National Teacher Examination (NTE), which teachers in Montana are required to take. Student teachers are required to take this test even while they are enrolled in the teacher preparation program, before entering their senior year in college. He said a number of Native American teachers complete three years of teacher education, take the NTE during their junior year, and do not pass.[29]

---

[16] Ibid., p. 200.

[17] Ibid., p. 205.

[18] Shannon Jackson, Transcript 1, p. 200.

[19] Ibid., p. 202.

[20] Ibid., p. 206.

[21] Carole Meyers, Transcript 1, p. 130.

[22] Ibid., p. 131.

[23] Ibid., p. 145. There are some teachers who are interested and they contact the office to get an evaluation of how they are doing. Ibid., p. 146.

[24] Starla Klevenberg, Transcript 1, p. 139.

[25] Co Carew, statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Missoula, MT, Apr. 24, 1997, transcript, p. 121 (hereafter cited as Transcript 2).

[26] Ibid., p. 122.

[27] Robert Swan, Transcript 2, p. 160. Dr. Swan has worked on the Rocky Boy's Reservation for 12 years and has previous experience in education with other tribes. Ibid., p. 159.

Helena Public Schools

Franci Taylor previously worked as a teacher in a middle school in Helena, Montana, and now is involved in education on a volunteer basis. Ms. Taylor explained that she predominantly taught Native American children who were placed in a self-contained classroom.[30] These students had been labeled by the school system as being "emotionally disturbed," primarily because they were deemed "passive aggressive."[31] Because mainstream teachers do not have an understanding of Native American culture and tradition, they have inappropriately labeled students. She shared the following examples of cultural behavior: Indian children do not call out answers in the classroom, do not raise their hands (they do not want to bring attention to themselves), and most sit toward the back of the classroom. She said, "One of the worst sins that [Indian students] committed was when a teacher, in their role as the power element in the classroom, would question them one-on-one, up front and close—[students] would drop their eyes."[32] Although Native American students accounted for more than 12 percent of the student population at Johnson Middle School, the teachers who should have understood that the behavior was cultural did not, and to stare into the face of an authority figure is perceived as disrespectful, she said.[33] Ms. Taylor explained that Native American tradition also dictates that if there is a problem in the Indian community or family concerns, the child is expected to stay home from school until the issues are resolved. As a result, they are passed over (teachers do not make adjustments), fall behind, and eventually drop out of school.[34]

Native American parents generally feel threatened by the school system. Ms. Taylor explained, "My parents felt very uncomfortable in the school system because it became a power structure. It's almost like a caste system, starting out with the administration and moving down, where at the very bottom of the system is that Indian parent."[35] Very little understanding and cooperation take place in those types of situations. Another point Ms. Taylor made is that Native American culture values sharing, but "it doesn't happen in the classroom [because] there has not been, traditionally, that opportunity to share."[36] Her opinion was that Indian students cannot succeed without some cooperation and understanding. She said, "It's been ingrained into us from the boarding school on down. We have been taught 'this is what you deserve.' We have to break the chain."[37] She suggested increased funding and the inclusion of Native American teachers as role models in the early grades.

Browning Public Schools

Wilma Mad Plume, an enrolled member of the Blackfeet Tribe and an elementary school teacher at Vina Chattin School, which is on the reservation, said one area of deficiency in the schools is leadership. Again, there are not enough Native American educators.[38] As an experienced teacher, Ms. Mad Plume said Indian culture can be taught and integrated into any discipline—reading, language arts, science, math—and it is not difficult to accomplish. She acknowledged that she herself is not a fluent speaker of the Blackfeet language but as she attempts to do her job to the best of her ability, she has learned how to integrate the tribe's cultural values into her classroom.[39]

---

[28] Ibid., p. 162. Montana has since replaced the NTE with the PPST, a basic skills test.

[29] Ibid.

[30] Franci Taylor, Transcript 2, p. 258.

[31] Ibid., pp. 258–59.

[32] Ibid., p. 259. Tradition teaches Native American children to respect those in authority and not to look the person directly in the eyes.

[33] Ibid.

[34] Ibid., p. 260.

[35] Ibid., p. 261.

[36] Ibid.

[37] Ibid.

[38] Wilma Mad Plume, Transcript 2, p. 267. Ms. Mad Plume is a second-grade teacher and has been teaching for 11 years. She holds a master's degree in elementary administration.

On the Blackfeet Reservation, there are many Native American elementary school teachers, but few secondary school teachers. At the secondary level—where students drop out of school—is where Native American teachers are needed most.[40] Ms. Mad Plume interviewed a female Indian student who transferred out of Browning public schools to attend a smaller school about 30 miles away. Ms. Mad Plume asked her why she voluntarily changed schools, and the student responded, "I didn't have [Indian] role models. They didn't notice me in the classroom." The high school student is now majoring in English and business administration. She has access to Native American role models—teachers and administrators—and she feels comfortable. Ms. Mad Plume also asked the student who her favorite role model was and she said, "My coach—she is a principal, she is my teacher, and she is my coach. I see her as a mother, as a parent, as a community person."[41]

There are smart and gifted Indian children with much to offer, but many of them run into obstacles along the way that rob them of their full potential, Ms. Mad Plume said. She has tried to build upon her students' self-esteem, confidence, and determination. She said she encourages them to speak up and does not experience passive behavior because the students feel comfortable raising their hands and talking to her. More interaction between students and teachers is needed, she said.[42]

Administrators

Billings Public School District

Jim Kimmet, superintendent of Billings Public Schools, spoke on what he perceived to be the status of Native American students in Montana public schools. Dr. Kimmet explained that the Billings School District had a total enrollment (1996–97 school year) of approximately 16,000 students.[43] There are significant populations of Native American students in nearly every school in the district.[44] Dr. Kimmet said although all students may participate in all regular programs, there are a few programs targeted to Native American students.[45] One is the Title IX program, which offers teachers a set of resource literature designed to support tutors' monthly thematic units of Native American culture.[46] The budget for the Title IX program declined from $118,000 in 1994 to $90,000 in 1996, which meant fewer students being served as the dollars were earmarked for tutor salaries.[47] He described a second program, limited English proficiency (LEP) services, which largely serves Native American students.[48] The function of the LEP program includes identification of limited-English-proficient students, training and support for regular classroom teachers, and direct services to students whose needs are high.[49] Another program offered, Dr. Kimmet said, is the Title I program, which provides compensatory education programs for economically and educationally disadvantaged children; and many Native American students participate in this program.[50] Dr. Kimmet also said 15.8 percent of minority students in his district receive special education services, compared with a total population service level of 11.9 percent.[51]

Despite these programs, explained Dr. Kimmet, and "the efforts of the highly dedicated core of teachers and administrators," there are some problems with service to Native American students.[52] He said, "It appears that the proportion of Native American students dropping out of school is higher than we are seeing in our general population."[53] The school district is probably seeing too high a dropout rate among Native American students, and Dr. Kimmet acknowledged the district had not implemented database systems to determine rates of attendance, participation in certain classes and activities, achievement scores, and discipline occurrences by racial and ethnic background.[54] Although Billings School District officials stated they did not maintain dropout data, table 2.3 provides dropout data at the high school level for the state, statistics that are tabulated by the Office of Public Instruction from data provided by reporting school districts. Native American students had a dropout rate of 19.4 percent for the 1996–97 school year, over three times higher than white students in the state. Dr. Kimmet told the Advisory Committee:

---

[39] Ibid., pp. 267–68.

[40] Ibid., p. 268.

[41] Ibid., pp. 268–69. The student interviewed was Ms. Mad Plume's adopted daughter.

[42] Ibid., p. 269.

[43] Jim Kimmet, Transcript 1, p. 125.

[44] Ibid., p. 126. Dr. Kimmet also noted that significant Native American populations are found in those areas of town usually associated with lower socioeconomic populations. Ibid.

[45] Ibid.

[46] Ibid. The goals of the Title IX program are to (1) provide assistance to students with regular curricular work, particularly in those areas in which students are struggling; (2) provide tutoring and study skills; and (3) provide a sense of place for Native American students. Ibid., pp. 126–27. The federal Title IX program promotes equity and excellence for students with special needs. It was originally authorized in 1965 as the Elementary and Secondary Education Act (ESEA) and reauthorized as the Improving America's Schools Act (IASA) in 1994.

[47] Ibid., p. 127.

[48] Ibid. Of 32 students served under this program, only two are non-Native American. Ibid.

[49] Ibid., p. 128.

[50] Ibid. Title I programs were created by the Elementary and Secondary Education Act of 1965.

[51] Ibid., pp. 128–29. He noted that one-half of the district's minority student population are Native American. Ibid., p. 129.

> Nearly any time we need to have a race- or gender-based report, we've had to hand-generate it. Also in the middle schools, a discipline record system is maintained, which reports by ethnicity, but the data have not been gathered long enough to allow us to make any real conclusions. Lacking this data, it's difficult to draw many valid conclusions about whether a characteristic is more or less predominant in the Native American population as compared to the population at large. It's also difficult to determine that the variable is common to a racial or ethnic group or to a socioeconomic group as well. Given this lack of hard data, and yet recognizing that a significant part of our population is Native American, the district has put into place several programs or activities in order to improve our overall ability to meet the needs of Native American students.[55]

Programs consist of staff training on cultural diversity, cultural awareness, and integration of ethnic content into the curriculum, which includes showing 70 new teachers materials on videotape as part of their induction program, to scheduling presentations by people with expertise in Indian education.[56] Dr. Kimmet said another obstacle that the school district has noted, particularly with some of the Indian children from the Crow Reservation, is that sometimes the responsible adult is not necessarily the parent. "We do not understand all of those relationships, so we are working to try to understand those in order to make better contact to facilitate each child's attendance and final completion," he said.[57] Other initiatives include a volunteer parent coordinator to work with teachers and staff and Native American parents to build understanding and trust; and "a renewed emphasis on attempting to hire minority employees [Billings School District had only 12 Native American employees out of a work force of 1,889] because of the richness that diversity brings to our students."[58] Initiatives under consideration included conducting a dropout study; improving and codifying attendance and discipline policies, specifically to make the policies more uniform from school to school; and emphasizing learning opportunities, as opposed to taking a punitive approach. The school district wants to facilitate the attendance of students rather than remove them from school, he said.[59] Dr. Kimmet told the Advisory Committee:

> We are working to improve education for our students, maybe a little bit more for our Native American students, on a variety of fronts. We have limited resources, we make mistakes, and we sometimes do the wrong things. I think that to a large extent the Billings Schools are feeling our way in how to bring education in a positive and constructive fashion to our Native American students. I believe there's more to be done and that we'll never be entirely successful without a strong commitment from all the players. This includes the educators, the parents, the various community and tribal support systems, and the community as a whole.[60]

---

[52] Ibid., p. 129.

[53] Ibid.

[54] Ibid., pp. 129–30.

[55] Ibid., pp. 129–31.

[56] Ibid., p. 131. Teachers new to the Billings School District totaled 70. Presentations scheduled for the future included the state of Montana, the Office of the Commissioner of Higher Education, and the Desegregation Assistance Center, Denver, CO.

[57] Ibid.

[58] Ibid., p. 132.

[59] Ibid., pp. 132–33.

[60] Ibid., pp. 134–35.

Regarding how teachers treat Native American students, Dr. Kimmet said:

> I'm not naive enough to think that we don't have some teachers on our staff that perhaps don't fully understand what some of the various ramifications of their actions are for Native American students or for other students, for that matter. We have a population of teachers that was trained quite some time ago, and I think that quite often their hearts are in the right place, but I'm not sure that they necessarily have all the skills or that they're all—that they've changed with the times. I think kids are just like they always were. They're products of their society, and many of our teachers have failed to keep up with the changes in society as well in their teaching, and I think that possibly spills over into some of their dealings with Native American students as well. I haven't really been privy to any, what I would consider instances of a teacher just being deliberately unfair or deliberately prejudiced, but I think that there are, you know—just like me, I think we all make mistakes, and sometimes they're rectifiable, and sometimes they're long lasting, and that's the unfortunate part of it.[61]

Great Falls Public School District

Dick Kuntz, assistant superintendent and coordinator of Indian education, Great Falls School District, described the district's efforts regarding education for Indian students. He said Great Falls Schools has had an Indian education program for 23 years.[62] The district serves an urban Indian population, with more than 5,500 Native American people residing within the Great Falls community.[63] The Great Falls School District has 12,753 students, with about 1,180, or 9 percent, verified as Native American, who are enrolled in the 21 schools throughout the district.[64] Table 3.2 shows that 11 Native American teachers were employed, representing 0.4 percent of staff at the elementary level and 3 percent of staff at the high school level. Great Falls has an Indian education program with two components: the home-school liaison service and a Native American resource library. The home-school liaison service includes home-school coordinators and parent advisory councils that work with 1,180 students.[65] Mr. Kuntz said the home-school coordinator has been the most effective part of the program. He told the Advisory Committee:

> The role of these coordinators is to work directly with parents to sometimes smooth rough ground between home and school [which has been caused by] perceptions or actual events that may cause a [cessation] of communication. They are able to actually take the issue into the home and help the parents find ways to solve the problems, rather than the parents always having to come to school for some of those direct confrontations. They are also able to help parents find other support agencies, whether medical services or other types of services for the students and also to give the parents something to tie into the school, by volunteering in some of the cultural activities or, in some cases, [parents] volunteering in the tutoring programs.[66]

The Native American resource library is supported by part-time staff and is open on a part-time basis. However, Mr. Kuntz said the Great Falls School District has also lost funding for the Indian education program and has had to cut funding for administration, supplies, materials, and staff development.[67] Goals for the Indian education program include (1) increase cultural awareness through activities in the schools, (2) enhance student self-esteem, (3) increase Native American student academic performance by 5 percent over a three-year period, (4) increase the attendance rate of Native American K–12 students by more than 5 percent over a three-year period, (5) provide two cultural sensitivity trainings per school year for district certified staff, and (6) increase parental involvement in school activities.[68] Mr. Kuntz explained that Great Falls "has a very transient Indian population that causes a great amount of concern in tracking our students." He also said the school district would like to increase communication and coordination with reservations outside the community to better track student enrollment and attendance.[69] When Indian students move to live with relatives, they generally are out of school for extended periods of time. He said, in addition to cultural activities "that are sometimes not fully understood by the white community," other events such as bereavement, where students will be out of school for up to two weeks at a time participating in bereavement rituals, need to be better understood.[70]

---

[61] Ibid.

[62] Dick Kuntz, Transcript 1, p. 135. The Great Falls Native American student population consists of 45 tribes, including all 10 Montana tribes. Forty-one percent are Chippewa-Cree and approximately 33 percent are Blackfeet. Ibid., pp. 135–36.

[63] Ibid., p. 135.

[64] Ibid., p. 136.

[65] Ibid.

[66] Ibid., p. 145.

[67] Ibid., p. 137.

[68] Ibid., pp. 137–39. The average grade point average for Native American students was 2.034, and the average days of nonattendance for Native American students was seven days per year. Ibid., p. 138.

Responding to a question concerning teacher expectations of Native American students, Mr. Kuntz said, "My assessment of the teachers in the Great Falls public school system is . . . that our teachers really respect all students. . . . However, being a human being, I think that prejudices occur everywhere, and some of those perceptions can be, I think, perceived by students based on individual experiences."[71] To alleviate the perception about the ability of Native American children to learn, the district offers sensitivity training. Mr. Kuntz said, "We also know that, by studying developmental needs of students and the way that students learn, that there are some cultural differences with Native American students that white teachers may not understand, and it is part of our job, or our priority, to make sure that they do understand what some of those differences are."[72] Mr. Kuntz said:

> I'm not really in favor of a state-mandated program whereby every teacher has to go out there and take an education class on Native American studies. We've tried that, and they've done that. I took one of those classes in the mid-1970s also. I think that we have to look at the overall teaching and strategies that teachers have and their bag of tricks as to how they reach all students.[73]

He said improvements will have to come from each school district, after listening to the Native American community as to what is lacking in the education of Indian students and how the school district needs to respond.[74]

Brockton Public School District

Bernard Lambert, an enrolled member of the Sioux Tribe and superintendent of Brockton Public Schools, which are on the Fort Peck Reservation, said this was his first year as superintendent and that he was educated in that very same district from elementary through high school. He said upon looking at the programs available, in comparison to what he experienced as a student in the Brockton school system, he was disappointed.[75] Superintendent Lambert said he asked members of the May 1996 graduating class for their evaluation of their education. The consensus of the students who graduated was "they weren't prepared to go on."[76] Although Brockton has a high percentage of high school graduates, Mr. Lambert said, "Out of the last 10 years, . . . of the people that graduated, no one has ever graduated from a college, which is a great concern."[77]

The Brockton district has a four-person school board including three Native American members. Teachers total 20, of whom three are Native American (1996–97). All support staff who are noncertified are Native American.[78] A review of data (1998–99) in tables 3.2 and 3.3 illustrates that in the entire Brockton School District (elementary and high school), the Indian student population at the elementary school level totals 152 students, with only four white students. In comparison, there are six certified Native American staff and 20 white staff. The two administrators are Native American. At the high school level, there are 46 Native American students and only two white students, 10 white teachers, and three Native American teachers. There are two administrators, one white and one Native American.

Superintendent Lambert said the district's main priority is the curriculum. Unfortunately, he said, "We never had a curriculum, a so-called curriculum," but a tentative outline had recently been developed.[79] During curriculum development, debate often arises because students think teachers are not concerned with course content and what is relevant to them, and ask teachers questions such as, "How do you know? You don't send your kids here."[80] Further, there is resentment among staff with regard to the Class 7 certification, with teachers complaining that these staff members were never trained, he said.[81]

---

[69] Ibid., p. 139.

[70] Ibid., pp. 139–40.

[71] Ibid., p. 142.

[72] Ibid.

[73] Ibid., p. 153.

[74] Ibid.

[75] Bernard Lambert, Transcript 2, p. 96.

[76] Ibid., p. 97.

[77] Ibid., p. 98.

[78] Ibid., pp. 97–98.

[79] Ibid., p. 105. There are two fluent speakers of the Lakota language in the Native language department. Ibid.

Mr. Lambert addressed the issue of teacher apathy. He explained that many teachers (some who have taught in the district for 15 to 25 years) do not live in the district. Therefore, when sports conference play occurs, the students see their teachers on the side of the other schools at these events, because many of Brockton's teachers live off the reservation and have children who attend rival schools. During sporting events, it is discouraging for students in the Brockton district to see their teachers sitting on the side of rival schools that their own children attend. He also shared an example of racism concerning an incident at a girl's basketball game: one of the players on the Brockton team was trying to retrieve the basketball and fell in the stands near an elderly woman and her husband. The elderly woman pushed the student back and told her, "Get out of here; you are just a dirty Indian."[82]

Browning Public School District

Roger Helmer, superintendent of Browning Public Schools, told the Montana Advisory Committee that the Browning School District has the largest Native population of any school district in Montana, with an enrollment of approximately 2,100 students, of whom 97 percent are of Blackfeet ancestry.[83] He said the graduation rate is approximately 55 percent and is difficult to track in Montana because there are different ways of tracking.[84] One way is to track students from kindergarten through graduation from high school, and the other way is from kindergarten to ninth grade. In that regard, he said, "It's a poor number for us to talk about."[85]

Mr. Helmer explained that the isolation of Browning (the nearest town is 75 miles round trip) presents many challenges that affect students. And because the community is close-knit, events that occur at school become the focal point of conversation all over town. Further, students have few outlets for leisure time.[86] He said the school district needs to address education but also look at social, economic, and cultural factors. These issues, he said, "translate into some problems for us in the school in terms of what we offer in terms of training, what expectations are, and what we believe children should be learning."[87]

Mr. Helmer said Browning Public Schools has been looking at a variety of issues, one of which is the expectation level for students. In a 1996 analysis of students who had completed first grade and were going on to second grade, it was found that "approximately one-third did not know their alphabet."[88] Although Mr. Helmer did not suggest that this was a direct result of low teacher interest, or that curriculum or learning objectives were not met or not in place, he did say that a program was established to address the problem.[89]

Superintendent Helmer explained that the Browning School District requires that before teachers receive tenure (which is their fourth-year contract in Montana), they must take six hours of coursework related to the Blackfeet culture and language.[90] To further illustrate the need for Native American culture courses, Mr. Helmer said in the year he has been with the school district, "we have had three people who we hired as first-year teachers leave. One in November 1996 and two after Christmas vacation, because they could not adapt to working with the student population that we work with, and we encouraged them to leave."[91] Mr. Helmer said that in addition to a clean, safe environment, students want a "more rigorously demanding curriculum and that their teachers expect more from them."[92]

---

[80] Ibid., p. 118.

[81] Ibid., p. 105.

[82] Ibid., p. 119.

[83] Roger Helmer, Transcript 2, pp. 58–59. Mr. Helmer has over 30 years of experience as an educator working with numerous minority populations, including Native Americans and Alaskan Natives. Ibid., p. 58.

[84] Ibid., p. 59. The 55 percent represents children who were in the school system from kindergarten through graduation. Ibid.

[85] Ibid., p. 60. One reason that tracking is difficult is the high movement of Native American students between kindergarten and ninth grades, with approximately a third of 1,500 students leaving the school district to attend other schools and eventually returning to the district. Ibid., p. 59.

[86] Ibid., pp. 60–61. At the time of Mr. Helmer's testimony, the city of Browning, population of about 7,500, as an example, did not have a movie theater.

[87] Ibid., p. 62. The unemployment rate fluctuates between 20 and 60 percent of the adult population, and between 10 and 30 percent for adults on the Blackfeet Reservation. Employment opportunities are available mainly in service areas, although the Indian Health Service and the Browning school system are probably the largest employers. Ibid., pp. 61–62.

[88] Ibid., p. 62. Seventy-seven students went from first grade to second grade without knowing the alphabet.

[89] Ibid. A Native American teacher was identified to obtain additional training to return to the school district as a reading trainer and reading supervisor. Ibid., p. 63.

[90] Ibid., pp. 86–87.

The school district requires that all students in Browning schools take a Blackfeet language and culture course, because "we do believe that it's important that the Blackfeet language and culture be a central part of what we're trying to do in the Browning School District," Mr. Helmer said.[93]

Plains Public School District

Ron Rude, superintendent of Plains Public Schools, a small rural district that adjoins the Flathead Reservation, oversees the education of approximately 520 students. Superintendent Rude said:

> It's difficult to get exact figures on racial makeup since we cannot demand such information from individuals. However, through familiarity with some long-term local families, through voluntary registration information, and through voluntary lunch program information, we estimate from 2 to 3 percent of our student population has some Native American lineage.[94]

He said of the approximately 1,600 students enrolled in the district (average of 520 students per school year) over the last three years, with high school graduation classes of approximately 38 to 40, "we graduated zero students (1994), two students (1995), and one student (1996) who probably were Native American."[95] The Office of Public Instruction recorded the Plains School District as having 572 students for the 1998–99 school year. Of those, 21 were Native American and 536 were white; and there were no Native American teachers.[96] Classes addressing Native American history and culture are not mandatory for students within the Plains School District and are not regularly scheduled, except at the high school level through the American history and senior American government classes.[97] The superintendent said, "Throughout the grades elementary to high school, the amount of time spent on Native American cultural issues varies, depending on the teachers' interest, of course, but also depending on a particular class."[98] He added, "When we teach Native American history and culture in the elementary grades, it is as an important part of American and Montana history but not as a separate emphasis of the curriculum."[99] Plains School District has a staff of 35 teachers, which includes one Native American (1996–97 school year).

Regarding the needs of academically at-risk students, Superintendent Rude said:

> Our emphasis does not use race or culture as a factor of selection. And the information provided here is also not to pretend that we have had only success stories, whether with Native American or any other student. In some cases I'm sure we simply do not find the key to what's needed, and in other cases, we are completely overwhelmed by unhealthy family situations.[100]

Mr. Rude offered two opinions: (1) the school district probably does not adequately understand the issues that are involved with Native American students, and (2) Native American students who have attended Plains schools have been successful in a conventional curriculum, at least to the same degree as any other students.

Crow Agency Public School

Mike Chapman, principal, explained that Crow Agency Public School is a K–6 elementary school, with 253 students, and of that number only one is non-Native American.[101] The school takes a different approach in teaching its students, as classes are small, with an average of 17 students per classroom.[102] Mr. Chapman said several education programs are designed to meet the needs of students, with teaching staff who have received off-site training.[103] Mr. Chapman said more than half of the classroom teachers are Native American. Almost all classified staff members are Native American, and all support staff are non-Indian, making a fair balance.[104] In his opinion, the expectations teachers have of students are extremely high, and there is tremendous effort applied to help those children meet expectations.[105] Mr. Chapman said his school does not utilize the Crow language as part of its instruction because many of the children do not speak Crow, although they may understand the language when it is spoken to them.[106]

---

[91] Ibid., p. 87.

[92] Ibid., p. 118.

[93] Ibid., pp. 65, 67. Most children do not speak Blackfeet as their primary language, therefore, the district is attempting to build a respect for and knowledge of Blackfeet culture and language.

[94] Ron Rude, Transcript 2, pp. 72–73.

[95] Ibid., p. 73. Out of 1,600 students, Mr. Rude estimated that 36 were Native American.

[96] Office of Public Instruction, *1998–99 Enrollment and School Staffing Report by Ethnicity and Gender for Montana Public Schools and Institutions*, pp. 212–13.

[97] Ron Rude, Transcript 2, pp. 73–74. This class examines political and economic issues with a western Montana focus.

[98] Ibid., p. 77. Time spent on Native American issues varied from 5 percent to 25 percent and may include short-term presentations, artifacts, and displays. Ibid., pp. 77–78.

[99] Ibid., p. 76.

[100] Ibid.

Rocky Boy's Public Schools

Sandra Murie, a Native American and superintendent for the past seven years for Rocky Boy's Public Schools, addressed the Montana Advisory Committee. The school district had a K–12 population of a little more than 500 Native American students and one non-Native student. The school board, since 1970, has been all Native American. Three of four administrators are Native American, as are about 15 of 45 teachers.[107] She said the school district has a goal of seeing all students graduate. Superintendent Murie estimated that out of the district's 35 freshmen, 18 would graduate from high school. Historically, she said, about 45 to 55 percent of children who begin high school graduate.[108]

Superintendent Murie explained that the district's philosophy is "no matter what, you keep kids in school."[109] She asked, "What additional types of services do those children need to assist them to stay in school?"[110] She said the issue could easily be discussed for a long time. Ms. Murie also explained that she too has experienced negative comments from other educators across the state regarding Native American students and Native Americans in general. She said, "It's really hard to put your finger on" what causes educators to make such negative comments.[111] She also felt the state education system that administrators and teachers go through, specifically the homogenous education teachers receive also plays a role. "When these teachers come in and begin to work for us, we have to do lots and lots of orientation. And some of them are just blown out of the water," which leads to major concerns about teacher/administrator education programs.[112]

St. Ignatius Public School District

Superintendent John Matt, who heads a K–12 school district on the Flathead Reservation, provided data on a 1996 graduating class compared with the same group of students when they were in seventh grade. The senior class of 1996 had 32 members, and 15 were Native American. Of 15 students who graduated, only two were Native American.[113] Evaluating that same class, however, as seventh graders, there were 44 members in the incoming class, which included 17 Native American students; however, only 32 students passed to the eighth grade.[114]

---

[101] Mike Chapman, Transcript 1, p. 140. Because of the school enrollment, there are no specific Indian education programs. Ibid. Crow Agency Public School is part of the Hardin School District.

[102] Ibid., p. 141.

[103] Ibid.

[104] Ibid., pp. 143–44.

[105] Ibid., p. 144.

[106] Ibid., p. 148.

[107] Sandra Murie, Transcript 1, pp. 79–80.

[108] Ibid., p. 81.

[109] Ibid., p. 82. Ms. Murie said expulsions had risen in the last two years as a result of social issues such as drugs and alcohol that result in violence.

[110] Ibid., p. 83. Rocky Boy's Public Schools had seven teachers who taught the Cree language, and tribal history had been integrated into science, arts, and history curricula.

[111] Ibid., p. 84. Ms. Murie referenced comments made to her by other educators, such as, "Oh, I get so upset at these people. I just don't even want to be here." Or after she explains that she is a superintendent of a school district that predominantly serves Indian children, the response has been, "Oh, you are one of those. Oh, you're in that school." Ibid.

[112] Ibid.

[113] John Matt, Transcript 1, p. 89. The St. Ignatius School District considers a student classified as Native American if he or she is a descendent of or enrolled with the Confederated Salish & Kootenai Tribe. Ibid.

[114] Ibid.

Mr. Matt explained the district's definition of "dropout." He said a student who drops out is a student who is no longer enrolled in the district and has not had any form of "request for transcripts" to be transferred to another school. Therefore, the district has no record that the student is going to another school or is being home schooled.[115]

The district has a full-time certified Class 7 language instructor at the elementary level, and an aide with reasonable fluency in the language in the high school and middle school. Certified staff totaled 54 teachers, which included eight Native Americans.[116] Superintendent Matt explained that there is considerable need for qualified Native American teachers to serve as role models for students. He said one obstacle to hiring Native American teachers is the screening process:

> We can't have them put on the application their ethnicity, so we may have screened out Native American teachers and don't know it because we can't look at a resume or application and tell. We hope that doesn't happen. We look for qualified individuals and, again, we'll always hire the most qualified.[117]

He concluded, "I just want to emphasize that we work diligently to meet the needs of all of our students, and I think that is the consensus of all superintendents on our reservation."[118]

School Board Trustees

Billings Public Schools

James Corson, school board member, Billings Public Schools, said the school board's mission is "(1) to set the overall tone and also the vision for the district, and (2) to approve the district budgets."[119] The school board approves curriculum, selects textbooks, and sanctions the general policies and operating guidelines for the district.[120] One of the most important roles of the school board is to provide a forum for the public to be heard on school-related issues.[121] Mr. Corson said there is a lack of Native American teachers as role models in the Billings School District. Out of approximately 1,100 certified teachers, only four are Indian, he said.[122] For support staff, the numbers are not much better (totaling eight), bringing the district total of Native Americans to 12 (1996–97 school year). He said, "So I would say that we probably haven't done a very good job with that, and I would be the first one to say that."[123] He added:

> Historically, up until recent years, we haven't had a real push to have a mix in our work force. With the change of the direction of our school board and also the superintendent, I believe that steps are now being taken to work on the issue. Will it happen overnight? The answer is, probably not.[124]

Tables 3.2 and 3.3 provide 1998–99 school year totals. Five Native Americans were employed as teachers at the elementary level, and one Native American was employed at the high school level. Recruitment needs to take place because the district has not gone after the top graduates and asked them to apply. Mr. Corson said the Billings School District central administration does not hire staff, unlike several other districts across the state. Hiring is decentralized down to the school building level, which consequently makes it difficult for the superintendent or the school board to have an influence. Mr. Corson said there are many bright young Native American teachers who may look at Billings and say, "They don't hire there," because the district historically has not hired Native Americans.[125]

He also said an issue that needs to be faced is the language background of students. Further, cultural background sometimes leads to special education placement, which has been a problem, although the district is trying to correct inappropriate placements.[126] Another concern is stereotyping students. He explained that a teacher may have had a problematic Indian student in her class 10 or 15 years ago, and as a result stereotypes all Indian students. He added that sometimes educators have lower expectations of nonwhite students.[127] Mr. Corson said these are problems the school district is trying to fix. Another issue is frequent movement of Native American students from rural reservation schools to the Billings School District. He told the Advisory Committee:

---

[115] Ibid., p. 90.

[116] Ibid., pp. 92–93.

[117] Ibid., p. 94. Mr. Matt explained that a four-year teaching degree through the Salish-Kootenai College (located on the Flathead Reservation), with the support of Western Montana College, should produce many qualified teachers for the district. Ibid.

[118] Ibid., pp. 94–95.

[119] James Corson, Transcript 1, pp. 210–12. School board members are elected by their respective communities. Ibid.

[120] Ibid., p. 212.

[121] Ibid. In the Billings School District, parents and interested individuals can contact school board members directly with their questions or concerns. Ibid.

[122] Ibid., p. 214. These numbers are for the 1996–99 school year.

[123] Ibid.

[124] Ibid., pp. 229–30.

[125] Ibid., p. 230.

[126] Ibid., p. 214.

> As the Billings high schools have a large number of students attending high school, the transition for a Native American student from a rural setting to an urban setting can be tough. Also the academic standards are very high, which means that if a student does not come prepared, they are probably in for some serious trouble, because they have to hit the ground running.[128]

Mr. Corson explained that although the district does an excellent job of nurturing students from K–6 grade, "sometimes that nurturing, that kind of caring, gets lost at the higher grade levels, because those schools tend to be quite large, and it is easy to get lost."[129] And finally, he asked, "How does an Indian student fit into primarily white schools? Those students need a lot of support from home, peers, and everyone to be able to fit in and to deal with prejudice."[130]

Hardin Public Schools

Clarice Denny, member of the Hardin School Board, said she is one of two Native Americans who serve on the board. The addition of two Native Americans to the Hardin School Board was the result of a voting rights case and school zone redistricting.[131] Before redistricting, at-large voting was the norm, and there had never been a Native American school board member. Ms. Denny said although her service on the board is important (she is now in her third term), the Native American representatives "have no control," and sometimes her concerns are not addressed, including the graduation rate of Native American students.[132] Hardin High School student enrollment for the 1995–96 school year was 422, which included 187 Native American and 235 white students. Out of the entire student enrollment, half were failing in one or two subjects.[133] Of the approximately 200 students failing, 90 were Native American.[134] Ms. Denny said she voiced her concerns, and as a result, a task force was established to identify problems that may be causing such a high failure rate.[135] The task force identified external problems and made recommendations, but there was no mention of internal problems and Ms. Denny said she had concerns about that.[136] She noted internal issues such as attitudes of teachers toward Native American students, curriculum matters, and disparate disciplinary action against Native American students.[137] Ms. Denny recalled a visit she made to Hardin High School to ascertain which students were detained in those in-school suspensions, and she said, "There were 10 students in in-school suspensions, and all 10 were Native American students. And at that time I mentioned to the principal that it seems like Indian students spend more time in these in-school suspension situations than they do in a classroom." The issue was never addressed.[138] Table 3.3 illustrates 1998–99 enrollment figures for Hardin High School. There were 417 students, 211 white and 186 Native American students.

Montana endorses locally controlled school districts and schools, while at the same time encouraging them to support and participate in programs and develop practices to promote Indian education. Previous testimony indicates that many schools and school districts are doing very little to support the statewide effort.

---

[127] Ibid., pp. 214–15.

[128] Ibid., p. 215.

[129] Ibid., p. 216.

[130] Ibid.

[131] Clarice Denny, Transcript 1, p. 266.

[132] Ibid., pp. 266–67. Hardin School Board members serve three-year terms. Ibid. Ms. Denny also wanted her statements to clarify those of Mr. Chapman, made earlier in the day.

[133] Ibid., p. 266.

[134] Ibid., pp. 266–67.

[135] Ibid.

[136] Ibid., p. 267.

[137] Ibid., p. 273.

[138] Ibid., p. 296. As a Hardin School Board member, Ms. Denny has asked for and received statistics which substantiate that a higher number of Native American students serve in-school suspensions for any kind of offense, sometimes sitting in detention three days out of a five-day school week. Ibid., p. 295.

TABLE 3.2

Elementary Student Enrollment and Staffing in Montana Public Schools, 1998–99

Elementary school		Students enrolled					Teachers					Administrators			
districts (K up to 8)	TE	W	OM	AI	AI%	TT	W	OM	AI	AI%	TA	W	OM	AI	AI%
Crow Res. on/near															
Billings (near)	10,524	8,970	766	788	7.5	861	845	11	5	0.6	32	31	1	0	0
Hardin (near)	1,311	458	43	810	61.8	126	109	1	16	12.7	4	4	0	0	0
Lodge Grass (on)	379	13	0	366	96.6	30	11	1	18	60.0	2	0	1	1	50.0
Pryor (on)	42	0	0	42	100.0	18	9	0	9	50.0	2	0	0	2	100.0
Flathead Res. on/near															
Arlee (on)	365	136	15	214	58.6	42	38	0	4	9.5	1	1	0	0	0
Kalispell	3,115	3,027	50	38	1.2	232	227	5	0	2.2	10	10	0	0	0
Missoula (near)	5,508	5,106	181	221	4.0	486	483	1	2	0.4	18	18	0	0	0
Polson (on)	1,178	832	24	322	27.3	106	104	0	2	1.9	4	4	0	0	0
Ronan (on)	1,119	461	16	642	57.4	96	87	0	9	9.4	3	3	0	0	0
St. Ignatius K–12 (on) (K–8)	424	190	4	230	54.2	42	36	0	6	14.3	3	3	0	0	0
Northern Cheyenne Res. on/near															
Ashland (on)	112	55	6	51	45.5	12	12	0	0	0	2	2	0	0	0
Colstrip (near)	690	385	27	278	40.3	88	87	0	1	1.1	6	6	0	0	0
Lame Deer (on)	373	0	0	373	100.0	41	28	2	11	26.8	5	2	0	3	60.0
Blackfeet Res. on/near															
Browning (on)	1,526	76	0	1,450	95.0	151	93	0	58	38.4	10	6	0	4	66.6

Table 3.2 (continued)

Elementary school districts (K up to 8)		Students enrolled					Teachers					Administrators			
	TE	W	OM	AI	AI%	TT	W	OM	AI	AI%	TA	W	OM	AI	AI%
Blackfeet Res. on/near (cont.)															
Cut Bank (near)	748	502	5	241	32.2	81	79	0	2	2.5	2	2	0	0	0
East Glacier Park (on)	86	17	1	68	79.1	7	7	0	0	0	1	1	0	0	0
Heart Butte (on)	197	1	0	196	99.5	29	19	1	9	31.0	2	1	0	1	50.0
Ft. Belknap Res. on/near															
Harlem (on)	465	37	0	428	92.0	56	50	0	6	12.0	3	3	0	0	0
Hays-Lodge Pole K–12 (on) (K–8)	175	3	0	172	98.3	28	11	0	1	0.9	3	1	0	2	66.7
Rocky Boy's Res. on/near															
Box Elder (on)	243	6	9	228	93.8	34	30	0	4	11.8	2	2	0	0	0
Havre (near)	1,468	1,215	19	234	15.9	116	115	0	1	0.9	6	6	0	0	0
Rocky Boy's (on)	438	3	0	435	99.3	46	28	1	17	37.0	3	1	0	2	66.7
Ft. Peck Res. on/near															
Brockton (on)	156	4	0	152	97.4	24	20	0	4	16.7	2	0	0	2	100.0
Frazer (on)	106	4	0	102	96.2	35	27	0	8	22.9	2	2	0	0	0
Poplar (on)	822	42	5	775	94.3	83	67	2	14	16.9	3	0	2	1	33.3
Wolf Point (on)	743	166	13	564	75.9	75	71	1	3	4.0	5	4	0	1	20.0
Not on/near res.															
Great Falls	8,565	7,385	417	763	8.9	737	725	2	10	1.4	21	21	0	0	0
Helena	5,080	4,764	141	175	3.4	390	388	2	0	0	15	15	0	0	0

TE = Total enrolled
TT = Total teachers
TA = Total administrators
W = White

OM = Other minorities
AI = American Indian
%AI= Percentage American Indian

SOURCE: Student enrollment data from Montana Office of Public Instruction (OPI) Fall Enrollment Report as of 4/1/99. Staff Assignment data collected by OPI for FY 1998–1999, as of 4/1/99.

BEST COPY AVAILABLE

TABLE 3.3

High School Student Enrollment and Staffing in Montana Public Schools, 1998–99

		Students enrolled					Teachers					Administrators			
High school districts (9–12)	TE	W	OM	AI	AI%	TT	W	OM	AI	AI%	TA	W	OM	AI	AI%
Crow Res. on/near															
Billings (near)	5,386	4,851	286	249	4.6	349	341	7	1	0.3	16	15	1	0	0
Hardin (near)	417	211	20	186	44.6	44	38	3	3	6.8	1	1	0	0	0
Lodge Grass (on)	198	13	0	185	93.4	26	22	0	4	15.4	2	1	0	1	50.0
Flathead Res. on/near															
Arlee (on)	99	53	2	44	44.4	18	17	0	1	5.6	1	1	0	0	0
Flathead (on)	1,851	1,847	4	0	0	119	118	1	0	0	4	4	0	0	0
Missoula (near)	3,946	3,691	133	122	3.1	314	313	1	0	0	13	13	0	0	0
Polson (on)	550	425	12	113	20.5	41	39	0	2	4.9	2	2	0	0	0
Ronan (on)	443	233	3	207	46.7	446	31	0	3	0.7	2	2	0	0	0
St. Ignatius K–12 (on) (9–12)	171	99	2	70	40.9	21	21	0	0	0	2	2	0	0	0
Northern Cheyenne Res. on/near															
Colstrip (near)	328	216	6	106	32.3	42	41	0	1	2.4	2	2	0	0	0
Lame Deer (on)	134	0	0	134	100.0	22	16	1	5	22.7	2	1	0	1	50.0
Blackfeet Res. on/near															
Browning (on)	506	14	0	492	97.2	43	34	0	9	20.9	3	2	0	1	33.3
Cut Bank (near)	302	227	1	74	24.5	33	32	0	1	3.0	1	1	0	0	0

Table 3.3 (continued)

		Students enrolled					Teachers					Administrators			
High school districts (9–12)	TE	W	OM	AI	AI%	TT	W	OM	AI	AI%	TA	W	OM	AI	AI%
Blackfeet Res. on/near (cont.)															
Heart Butte (on)	106	0	0	106	100.0	17	11	0	6	35.3	2	0	0	2	100.0
Ft. Belknap Res. on/near															
Harlem (on)	160	6	0	154	96.3	24	22	0	2	8.3	2	2	0	0	0
Hays-Lodge Pole K–12 (on) (9–12)	112	0	0	112	100.0	16	10	0	6	37.5	1	1	0	0	0
Ft. Peck Res. on/near															
Brockton (on)	48	2	0	46	95.8	13	10	0	3	30.0	2	1	0	1	50.0
Frazer (on)	41	0	0	41	100.0	15	12	0	3	20.0	1	1	0	0	0
Poplar (on)	209	21	3	185	88.5	27	23	0	4	14.8	2	2	0	0	0
Wolf Point (on)	305	160	4	141	46.2	31	28	1	2	6.5	3	2	0	1	33.3
Rocky Boy's Res. on/near															
Box Elder (on)	98	3	6	89	90.8	16	14	0	2	12.5	1	1	0	0	0
Havre (near)	780	698	0	82	10.5	59	58	1	0	0	2	2	0	0	0
Rocky Boy's (on)	104	0	0	104	100.0	20	13	1	6	30.0	1	0	0	1	100.0
Not On or Near a Res.															
Helena	3,109	2,925	62	122	3.9	237	232	5	0	0	10	10	0	0	0
Great Falls	3,908	3,522	119	267	6.8	268	264	3	1	0.4	9	9	0	0	0

TE = Total enrolled
TT = Total teachers
TA = Total administrators
W = White

OM = Other minorities
AI = American Indian
%AI= Percentage American Indian

SOURCE: Student enrollment data from Montana Office of Public Instruction (OPI) Fall Enrollment Report as of 4/1/99. Staff Assignment data collected by OPI for FY 1998–1999, as of 4/1/99.

CHAPTER 4

Tribal Leadership and Tribal Education Perspectives

Blackfeet Tribe, Blackfeet Reservation

Chief Earl Old Person, who has been in tribal leadership for many years, said Indian children want to be a part of society and do positive things for themselves.[1] Chief Old Person told the Montana Advisory Committee that the Indian community wants to be a part of the future and to set a future for its children.[2]

Assiniboine and Sioux Tribes, Fort Peck Reservation

John Morales, executive board member of the Fort Peck Assiniboine and Sioux Tribes, asked for support of proposed legislation to strengthen Indian education in Montana. He said:

> [Legislation] must be constructed to address the overwhelming need for educating the educators of our children in a manner designed to raise their level of understanding and awareness regarding the historic significance of Indian people to this state and this nation and to provide them with a comprehensive background in contemporary issues facing our tribes and individual Indians.[3]

Mr. Morales told the Montana Advisory Committee that the Fort Peck Assiniboine and Sioux Tribes recently adopted a code for tribalization of education on the Fort Peck Reservation.[4] That action, he said, was a "first step in advancing the educational interests of the people in a manner consistent with their educational, societal, cultural, spiritual, and economic needs." He continued, "It is essential that the educational institutions of the state rise to meet the academic and social requirements of their constituents, which include both Indian and non-Indian people."[5] Fort Peck tribal officers are aware of statistics showing how poorly Indian students have done under the existing education system.[6] Pilot programs located principally on reservations and designed to address the language and societal barriers experienced by Indian students have recorded substantially increased achievement levels.[7] He said, "It is essential that Indian people have the opportunity for education and training in the environment that is conducive to their specific learning requirements and with an eye toward utilizing their knowledge as a means of achieving true self-sufficiency and self-determination."[8] Mr. Morales said:

> The Assiniboine and Sioux Tribes of the Fort Peck Reservation view education as the single most important factor in achieving self-determination and economic self-sufficiency. It is essential to the interests of the tribes that every effort be made to achieve parity in education and educational opportunities for tribal members and to provide a suitable environment for those having successfully aspired to academic and technical excellence.[9]

---

[1] Earl Old Person, statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Missoula, MT, Apr. 24, 1997, transcript, p. 206 (hereafter cited as Transcript 2).

[2] Ibid.

[3] John Morales, statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Billings, MT, Dec. 10, 1996, transcript, p. 18 (hereafter cited as Transcript 1).

[4] Ibid.

[5] Ibid., pp. 18–19.

[6] Ibid., p. 19.

[7] Ibid.

[8] Ibid.

[9] Ibid.

He recommended the following:

- mandating Indian hiring preference in elementary and secondary school districts as a state law;
- requiring that public schools offer courses in Indian history and culture;
- requiring completion of an American Indian studies class by applicants for a Montana teaching certificate;
- encouraging all public school districts in Montana to require that their personnel meet the requirements for instruction in American Indian studies;
- encouraging teacher-training institutions to require that all teacher candidates take at least one course in American Indian studies prior to graduation; and
- designating September 17 of each year as American Indian Heritage Day in Montana.[10]

He said that by accomplishing these tasks "the legislative body will advance the state's ability to provide a meaningful and effective basis from which the education system will thrive in their role as stewards of education and educational awareness to the people they are mandated to serve."[11] He further stated, "Legislators will bring the Montana public school systems into compliance with article X, section 1, subsection 2, of the state of Montana's Constitution."[12] The action will, according to Mr. Morales, "define the role of American Indian studies in higher education and enhance the level of knowledge of the general public regarding American Indian issues."[13]

Mr. Morales said he believed there were teacher training opportunities on the Fort Peck Reservation for Native Americans, but very few students want to become teachers.[14] He said, "It's very important to have Native American teachers in our school system."[15] He said there is hope for the future, but he does not see the current education system promoting the future of Indian students to the best of its ability.[16]

Mr. Morales explained that he became interested in the education of Indian children after his tribe offered incentive awards to students who had finished the eighth grade and high school seniors. In the Wolf Point schools, 48 awards were handed out to eighth graders and eight to seniors. The senior class began with 46 to 50 Native American students and ended with eight students graduating. "That kind of really rung my bell," he said.[17]

Desiree Lambert, director of the Indian Education Department, Fort Peck Reservation, said the tribal executive board found that achievement was notably low at all elementary and secondary schools on the reservation.[18] Furthermore, dropout rates in the elementary and secondary schools on the Fort Peck Reservation are exorbitant when compared with state and national averages.[19]

In 1994, the tribal executive board endorsed the development of a new education code to preserve and perpetuate tribal membership by improving education to prepare students for life on and off the reservation.[20] With assistance from the Native American Rights Fund, a tribal education code was drafted in May 1995 and included the following issues: tribal curriculum, Indian preference in hiring, tribal education standards, tribal education policies and programs, parental and community involvement, and the establishment of a comprehensive student performance tracking system. The top priority was to develop a way to track student performance.[21] Ms. Lambert said the data gathered from the tracking system would be needed to assure the tribal education department that the unique needs of Indian children were being met by the four public school districts on the Fort Peck Reservation.[22]

---

[10] Ibid., pp. 20–21.

[11] Ibid., p. 21.

[12] Ibid.

[13] Ibid.

[14] Ibid., p. 24. Mr. Morales referred to a school outing to Helena. None of the students in the group was interested in being teachers. Ibid.

[15] Ibid.

[16] Ibid.

[17] Ibid., p. 29. Information refers to the 1996 graduating class.

[18] Desiree Lambert, Transcript 1, p. 246. Ms. Lambert was representing tribal chairman Caleb Shields. The Fort Peck Tribe represents the Assiniboine and Sioux Tribes.

[19] Ibid., p. 247. The tribal executive board is duly elected by the tribe and is empowered to act on behalf of the tribes. Ibid., p. 246.

[20] Ibid., p. 247. The education code title was part of the comprehensive code of justice to promote intragovernment understanding and coordination of branches, agencies, and entities of the Fort Peck tribal government on the purposes, standards, and functions of education on the reservation. Beginning May 1994, community input was obtained from parents and educators. Ibid.

Ms. Lambert provided statistics for schools on the reservation. She said:

> We have a total of 19 Indian teachers on our reservation compared to 185 non-Indian. We have a total of 1,849 Indian students attending the school systems on the Fort Peck Reservation and 525 non-Indian. With that, the Fort Peck Tribe has realized the importance of ensuring their membership of a full and a quality education [through] the tribal education code.[23]

With regard to school trustees (school board members), they are as follows:

- Brockton schools: 2 Indian, 1 non-Indian
- Frazer schools: 5 Indian, 0 non-Indian
- Poplar schools: 2 Indian, 3 non-Indian
- Wolf Point schools: 2 Indian, 5 non-Indian[24]

Ms. Lambert spoke about Indian preference in employment and said there are not enough trained teachers. "So regardless of whether we had preference guidelines in place, we can't meet them, because we don't have the staff," she said.[25]

Northern Cheyenne Tribe, Northern Cheyenne Reservation

Norma Wolfchief Gourneau, vice president of the Northern Cheyenne Tribal Council, shared information about the tribe, which consists of 7,080 members, most of whom reside on the reservation in southeastern Montana. There are approximately 2,545 school-age children, with 867 young adults between 19 and 24 years of age. The population of the Northern Cheyenne Tribe is relatively young, and there are varied educational opportunities on the reservation ranging from a tribally controlled school to public schools. In addition, there are about six schools, private and public, in the surrounding areas that serve reservation students. Reaching those schools requires considerable traveling time for the children. "Our children have historically traveled many miles to off-reservation schools, some of whom were in buses three to four hours a day," she said.[26]

Ms. Gourneau explained that in 1997 the Northern Cheyenne Tribe and the Lame Deer Public School District successfully lobbied Congress for a new high school in Lame Deer, within the reservation boundaries.[27] The Northern Cheyenne Reservation, she said, was the only reservation in Montana without a permanent public high school facility, and the Lame Deer community was the only one of its size anywhere in the state without such a facility. "We are excited about the construction of the new school and hope that it begins to alleviate the alarming dropout rate of our young children," she said.[28]

Throughout its long history, the Northern Cheyenne Tribe has stressed education. Ms. Gourneau said, "Today we have tribal members who are teachers, lawyers, doctors, computer programmers, foresters, accountants, social workers and so forth. However, for each successful tribal member, we have young children who are dropping out of school, especially at the high school level." During the 1996 school year, there was a 49 percent dropout rate among high school students.[29]

Ms. Gourneau discussed the importance of bilingual education and said curricula need to be updated continuously. She also said:

> We need to require that as part of the requirements for teaching in public schools whose majority of students are Native American the teacher should have a certification in the language particular to that tribe. There should also be a requirement for teachers to be required to take cultural sensitivity classes.[30]

---

[21] Ibid., pp. 247–48. This draft code was circulated for public comment and was also considered at six public hearings held across the reservation.

[22] Ibid., p. 248.

[23] Ibid., pp. 249–50.

[24] Ibid., pp. 251–52.

[25] Ibid., pp. 252–53.

[26] Ibid., pp. 212–13.

[27] Ibid., p. 213. The efforts to secure a high school for the Northern Cheyenne started back in the 1960s. Ibid., p. 214.

[28] Ibid., p. 214.

[29] Ibid., p. 215.

[30] Ibid., p. 216. The Northern Cheyenne Tribal Council recently enacted legislation that proclaimed the Northern Cheyenne language as the official language of the reservation. The schools within the boundaries of the reservation

Ms. Gourneau said parents have the primary responsibility to ensure that their children go to school every day, but the schools have a responsibility to provide a strong educational base, a quality curriculum, and other services to meet the special needs of Native American students. Tribal governments need to support education projects and seek funding to enable their members to go to college and/or trade schools. The State Legislature needs to provide sufficient funding for education and emphasize prevention of truancy, rather than funneling funds from education to build more prisons.[31]

One problem experienced by children living on the reservation and attending school off-reservation has been the lack of activity buses. The school districts actively recruit Indian students to attend their schools, but fail to provide the opportunity to participate in the recreational and social activities of the school, which further prevents Indian students from feeling like they are part of the school. Ms. Gourneau also explained that many of the disciplinary actions taken by the school appear to treat infractions of Indian students more harshly than those of non-Indian students. Further, one of the harshest measures taken by off-reservation school districts is to suspend students from riding the bus if the bus driver decides their behavior is unacceptable. For those parents who have chosen to send their children to a public school off-reservation, that is a real hardship to them because they then have to transport their child at least 50 miles one way to school. For those families who lack transportation, their children miss days of school.[32]

Tim Lame Woman Sr., member of the Northern Cheyenne Tribe, expressed his concern with the lack of communication between school districts and parents, unrest among students of the Northern Cheyenne Reservation in school systems, and discrimination in employment. He said, "My wife has a degree from college, and do you know what she's doing in our community? She has filed for employment in the school district. She's a bus driver, driving a bus for the school district—the only job they'll give her."[33] Mr. Lame Woman alleged that school trustees do not hear or respond to the calls for help of Indian children who are sent to school every day "to be placed in a teacher's hands," with school administrators "who can only suspend and expel" the students without even trying to deal with parents and their children's problems.[34]

Norma Bixby, director of the Northern Cheyenne Education Department, addressed the Montana Advisory Committee from several perspectives: representing tribal education for the Northern Cheyenne Tribe; from a state perspective as chair of the Montana Advisory Council for Indian Education (MACIE), which advises the Office of Public Instruction and the State Board of Public Education; as chair of the Dull Knife College Board of Directors; as a board member of the Montana Indian Education Association (MIEA); and as a member of the Montana Committee for Indians in Higher Education.[35] Ms. Bixby stated that as the director of the Northern Cheyenne Indian Education Program, she has observed that Indian children are not receiving a comparable education to non-Indian children in Montana's schools.[36] She explained that approximately 144 Native American students attend high school, which includes a small number of students from other tribes. However, she noted that there are 788 enrolled Northern Cheyenne tribal members living on the reservation that are of high school age.[37] Ms. Bixby said:

> With all the opportunities to attend a school system, over 300 Cheyenne students are missing from the roles, and so these students aren't even

---

provide language programs, but surrounding schools do not. Ibid., p. 215.

[31] Ibid., p. 217.

[32] Ibid., p. 218.

[33] Tim Lame Woman Sr., Transcript 1, pp. 302–04. Mr. Lame Woman participated in the public session of the fact-finding meeting. His remarks were his own; he was not representing the Northern Cheyenne Tribe.

[34] Ibid., p. 304.

[35] Norma Bixby, Transcript 1, pp. 84–85. Ms. Bixby's involvement with the organizations she is affiliated with is to help other educators and individuals interested in improving the educational opportunities for Native Americans in Montana, as well as on the Northern Cheyenne Indian Reservation. Ibid., p. 85.

[36] Ibid., p. 85. The Northern Cheyenne Tribe is a young tribe, with half of its population under the age of 18. Indian children have the choice of attending six public schools, one tribal school, and one private school on or near the reservation. About 1,600 Indian students attend these schools, including those in the Head Start program. Ibid., p. 86.

[37] Ibid., p. 86.

> in school. And they can't even be counted in a dropout rate . . . Each year our dropout rate increases and is now over 50 percent. This past spring [1996] there were 46 Native American high school graduates. Thirty-two of these students graduated from the schools on the reservation, which are predominantly Indian schools.[38]

Ms. Bixby noted that very few Native American courses are taught at the high school level on the Northern Cheyenne Reservation, and one school does not offer a single Native American studies class.[39] Ms. Bixby referred to a study done in 1991 that examined dropout rates and patterns and academic achievement comparisons between Indian and non-Indian students.[40] She said, "In my opinion, very little has changed since these [findings] were completed and submitted to the school systems, so they haven't used this information to create any change within those systems."[41] Incoming students to Dull Knife Junior College are tested and some of the students who graduated from public schools are achieving below the fifth-grade level, which has caused Dull Knife to do a significant amount of remedial work to get those students prepared to go into a college system and to move on into the university system, if they so choose.[42] Ms. Bixby explained that special education and Title I information have been repeatedly requested from the Office of Public Instruction (OPI) "because that information would be very helpful to the various organizations in making sound recommendations to OPI and the State Board of Education, and would assist organizations in making sound decisions regarding those particular children."[43] She indicated that the tribal education departments were directly involved in the development of the state plan for Indian education.[44] She told the Montana Advisory Committee:

> I would like to say that although the state of Montana has made some progress in addressing our needs, there still isn't a strong commitment to provide dollars for Indian education at the state level. Another problem which makes it more difficult to provide equal education is the state superintendent must get approval from the State Legislature to spend any dollars that she generates for education. Any grant that she brings into the state to improve Indian education specifically must get legislative approval.[45]

Social Services Department, Northern Cheyenne Tribe

Jackie Tang, director of Social Services for the Northern Cheyenne Tribe, said the dropout rate of Native American students for the Northern Cheyenne Reservation is 52 percent.[46] Ms. Tang specifically addressed the Colstrip schools, which had a ratio of Indian students as follows: high school, 24 percent; middle school, 38 percent; grades three through five, 35 percent; and grades kindergarten through second, 38 percent.[47] Ms. Tang said she asked Colstrip High School administrators if they maintained dropout data and was informed that they did not. The only information she was able to obtain was "sometimes students don't graduate because they are maybe half a credit short or a credit short from graduation."[48]

Addressing the issue of misplacement of Indian students in special education programs, Ms. Tang explained that her son, during his junior high years, had low test scores at the beginning of the school year, and staff requested that he be placed in special education. She refused his placement in special education and asked school personnel how they could make an evaluation based on one test. Ms. Tang reported that her son was currently a junior in high school and a member of the National Honor Society. She said more parents need to take a proactive role and refuse to allow their children to be placed in remedial classes. This would most likely result in fewer Indian children in special education.[49]

---

[38] Ibid.

[39] Ibid., p. 87.

[40] The study, conducted by Carol Ward and David Wilson, was titled *The Effects of School Experiences on Northern Cheyenne High School Completion*. Ibid., pp. 87–88.

[41] Ibid., p. 88.

[42] Ibid.

[43] Ibid., p. 89. Title I, Part A, of Public Law 103-382, Elementary and Secondary Education Act.

[44] Ibid. More than 300 participants at two separate meetings developed the document.

[45] Ibid., pp. 91–92.

[46] Jackie Tang, Transcript 2, p. 179. These data include Native American children enrolled in public, BIA, and Catholic schools on and off the reservation. Ibid.

[47] Ibid., p. 180.

[48] Ibid.

[49] Ibid., pp. 180–81.

Ms. Tang explained that as director of Social Services on the reservation, she is aware that the agency receives a significant number of referrals from public schools regarding behavioral problems that teachers cannot handle.[50] She said the referral procedure and what is expected from the Department of Social Services should be reevaluated, and that there needs to be better communication among students, teachers, and counselors.[51] On a personal level, Ms. Tang said, "Indian students are humiliated and degraded by some of the teachers. They are made to feel that they are not good enough academically."[52] She explained that her children have had firsthand experience with racism in the schools, and said one of her sons won a writing contest sponsored by the Anne Frank organization for his essay on his own experience with racism in Colstrip public schools.[53]

Crow Tribe, Crow Reservation

Joseph Pickett, vice chair of the Crow Tribal Council, said that among Indian people, getting an education is very important, but that the current education system does not always meet their needs. Mr. Pickett said, "I have yet to see educational values and standards determined based on an Indian child's actual needs. The effort that the state of Montana provides for quality education in Montana's public schools is to be commended, but even at that, it does not meet the actual needs of our children."[54] Quality education for Indian children should also include their language and cultural needs. He said, "Quality education defined from the state of Montana only accommodates the educational needs of the non-Indian."[55] Although Mr. Picket serves on the Hardin School Board, he was critical of school boards in Montana and said, "Indians are beginning to serve on school boards but they are only Indian tokens to avoid discrimination suits, and the school policies they adopt are only to perpetuate the policies coming from the non-Indian."[56] He further explained that Indian children's need for quality education is caught in the "whirlwinds" of the needs of non-Indian children. "Public schools of Montana are frustrated because they are not able to meet quality education for our Indian children, and we rely on them for it," said Mr. Pickett.[57]

Arnold Jefferson, director of the Crow Tribal Education Department, said the tribe has education committee representatives in each district on the reservation, and the department is working to develop tribal education standards.[58] He said he could not share statistics because they are not collected, and when he asked schools for data, some were reluctant to give data.[59] Funds are needed for such resources as staff and technology, he added.[60]

Elizabeth Reece, education specialist and contracting officer with the Crow Tribe, said there are about 1,800 students who reside on the reservation and attend schools on or near the reservation, including in Billings.[61] Ms. Reece explained that the tribe has tried to identify students graduating from high school to present each student with a monetary award; however, the tribe has had a great deal of difficulty in identifying those students who are attending school in Billings because the school district told the tribe that the district is prohibited by law from identifying its students by race.[62] Ms. Reece said, "So we have to kind of go through who we know [personally] and identify each student, or let the families know that the money is available as a reward for their students, and then they come to us. We have no easy way of identifying Indian students in those schools on or near the reservation."[63] Ms. Reece said the tribe continues to work with the Billings School District because of the large number of Crow children who attend

---

[50] Ibid., p. 181.

[51] Ibid., pp. 182–83.

[52] Ibid., p. 184.

[53] Ibid., p. 185.

[54] Joseph Pickett, Transcript 2, p. 239. Mr. Pickett also serves on the Hardin School Board.

[55] Ibid., p. 240.

[56] Ibid., p. 241.

[57] Ibid.

[58] Arnold Jefferson, Transcript 1, p. 94. The Crow Tribal Education Department was founded in 1990. Emphasis is on direct services to students, specifically Head Start. Ibid.

[59] Ibid., p. 97.

[60] Ibid.

[61] Elizabeth Reece, Transcript 1, pp. 235–36. The Crow Reservation is adjacent to the city of Billings. It encompasses 2.2 million acres, and the Crow Tribe has about 10,000 enrolled members, of whom about 6,500 live on the reservation. Ibid., p. 236.

[62] Ibid., p. 236. The Crow Tribe also tries to identify future graduates in order to present them with an incentive award for their graduation. Ibid.

[63] Ibid., pp. 236–37.

Billings schools. She said the tribe is especially interested in identifying those students because "the students who are off the reservation quite often do not have access to the counseling and the staff members of the departments which can help them seek educational opportunities to further their education or strengthen their education program."[64] During the spring of 1996, approximately 80 on-reservation students graduated, and approximately 30 graduated who were attending off-reservation schools.[65]

Ms. Reece said the dropout rate is of great concern to the Crow Tribe, but because there are so many variables it is difficult to determine exact dropout figures.[66] The Tribal Education Committee started to study the issue of dropouts five years ago by beginning to track the freshman students in their schools. Because of the high mobility rate of the students, it was impossible to accomplish that task. She said, "We couldn't keep up with the study without having several full-time people on that project, and we were forced at the end of the second year to drop the study simply because it was in such disarray without any full-time research staff that could address the issue."[67] Further, counselors do not always have the time to track people to find out where they went and whether they enrolled in another school. "When you're looking at Hardin public schools, Lodge Grass, Plenty Coups, Busby, Ashland, and now Lame Deer with a new school, those kids can move out, and we can't catch up with them. Many are lost through the cracks," she said.[68]

Ms. Reece provided the following enrollment rates of ninth-grade students at Hardin High School:

	Native American	White
1995–96 school year/ 9th grade	70	66
1996–97 school year/ 10th grade	55	57

She said, as the numbers indicate, 15 Indian students were lost compared with nine white students.[69]

Ms. Reece said the Crow Tribe "strongly believes that there is apathy and indifference among non-Indian staff who teach on or near the reservation, and strongly supports the need for some sort of mandated legislation."[70] She recalled the early 1970s, when Indian educators attempted to teach Native American history and studies courses to "a very resistant group of non-Indian teachers who resented having to take [those] course[s]." She said, "They would sit in class all day on Saturdays and they did not want to be there." But she continues to believe a positive impact was made on those teachers.[71] She also said the tribe strongly believes it has lost the active involvement of parents in school, and that is why children are dropping out.[72]

Confederated Salish & Kootenai Tribal Council, Flathead Reservation

Gary Stevens, member of the Confederated Salish & Kootenai Tribal Council, told the Montana Advisory Committee, "Indian children on our reservation do indeed have a difficult time surviving and graduating from public schools." In the 1995–96 academic year, only 46 enrolled tribal members graduated from high school out of a total of 382 students. He said it is alarming and unacceptable that so few tribal members are graduating from reservation high schools, and the tribes have begun a comprehensive analysis of school data wherein students (enrolled Confederated Salish & Kootenai) will be tracked from entry through graduation.[73]

---

[64] Ibid., p. 237.

[65] Ibid. Of the 30 students who attended schools off reservation, some were Montana residents and others were out-of-state students. The exact number of out-of-state students was not provided. Ibid.

[66] Ibid., pp. 237–38.

[67] Ibid., p. 239.

[68] Ibid., p. 240. Truancy has been an ongoing issue, especially when a student who lives on the reservation attends school off the reservation. Jurisdictional problems between the tribal court and county courts are prevalent. Ibid.

[69] Ibid., p. 242.

[70] Ibid., p. 244.

[71] Ibid., pp. 244–45.

[72] Ibid., p. 245

[73] Gary Stevens, Transcript 2, p. 222.

Mr. Stevens said:

> The Confederated Salish & Kootenai Tribal Council acknowledges that there are some obvious issues that must be addressed in determining why students are not completing school, but there is also a need to strengthen curriculum and environmental factors that will increase the likelihood of success. The tribe also realizes that not all of the reasons for the failure of children rest with the schools. Native American parents need to be given the skills and resources to promote their children through the schools.[74]

The specific issues of student failure on the reservation include the lack of Indian role models as teachers in the classroom, with only 18 Native American teachers out of a total of 475. There are no Indian administrators working in the reservation's public schools.[75] Mr. Stevens provided statistics on several school districts, and some are listed below:

- Charlo District: professional staff—28, Native American—1
- Camas Prairie District: professional staff—2, Native American—0
- Dixon District: professional staff—18, Native American—1
- Hot Springs District: professional staff—22, Native American—1[76]

The Salish & Kootenai Tribe recommended that:

- The U.S. Commission on Civil Rights advocate for federal resources to enable Native Americans to become teachers.
- School districts that serve Native American children be required to have teaching staff properly prepared through coursework in tribal history, government, and culture.
- Federal resources allocated to reservation schools be channeled through those respective tribes under the self-governance laws now in place.
- Each school district have a representative proportion of Native American trustees (school board members) to represent Indian communities.[77]

Salish-Kootenai College, Flathead Reservation

Joe McDonald, president of Salish-Kootenai College on the Flathead Reservation, has served as a high school principal, a teacher, and a college professor.[78] He first explained that, historically, it has been difficult for Native American candidates to get elected to school boards. However, Native Americans are serving on school boards at Arlee, Dixon, St. Ignatius, and Polson.[79] He further said there are few Indian role models in the public schools on the Flathead Reservation.[80] Regarding the accomplishments of Native Americans and incorporating that information into school curriculum, he said there is a joint social studies curriculum project between Charlo, Ronan, and Polson public schools that attempts to address the issue of limited acknowledgment of the contributions of Native Americans.[81] The contributions of Native Americans, he said, "are published, and easily accessible."[82] Dr. McDonald said students on the reservation do not receive any class time in tribal government or tribal law, and yet these students will go out into the community and earn their livelihood as farmers and ranchers, as tribal employees, etc., and the friction will continue.[83] Indian children are treated unfairly when the school curriculum and the daily lesson plans omit all references to who they are and the contributions their people have made to help make today's world what it is, he said.[84]

---

[74] Ibid., pp. 221–22.

[75] Ibid., p. 222.

[76] Ibid., pp. 224–25. Data and information were compiled through the tribe's education department. The education department has been functioning for four years. Ibid.

[77] Ibid., pp. 232–33.

[78] Joe McDonald, Transcript 2, p. 10. Dr. McDonald has more than 30 years of experience in education, in addition to serving as a council member for the Confederated Salish & Kootenai Tribe for eight years. Ibid.

[79] Ibid., p. 14; Joe McDonald, letter to Rocky Mountain Regional Office, U.S. Commission on Civil Rights, May 23, 1997, as an addendum to his testimony at the Apr. 24, 1997, fact-finding meeting (hereafter cited as McDonald Letter).

[80] Joe McDonald, Transcript 2, p. 12.

[81] McDonald Letter, p. 1. The joint project is no longer operational.

[82] Joe McDonald, Transcript 2, p. 12; McDonald Letter, p. 1.

[83] Joe McDonald, Transcript 2, p. 13. Native American students at Ronan High School are required to take a semester of government. Ibid.

[84] Ibid., p. 19.

Dr. McDonald also told the Advisory Committee that Indian children learn differently:

> The learning styles of our Indian children are disregarded on a large scale. Indian children like to see the whole concept before it is broken down into its parts. They want to see references to tribes and Indians and not have that type of information omitted. They want to share and learn collectively. They need to be accommodated with make-up work when they miss [school] for cultural reasons and for family reasons.[85]

Dr. McDonald addressed teacher apathy and said there are many excellent teachers eager to teach Indian children and get acquainted with the Indian community. However, there are some "run-of-the-mill" teachers, who after a few years of teaching, are ineffective in reaching Indian children regardless of whether the children have personal, social, or learning problems.[86] Dr. McDonald said he could tell when a student has low self-esteem. He said, "If you don't have pride in yourself, if the school is not meeting your needs, you [the student] are more likely to act out than you would if you were comfortable there and getting along."[87] In closing, Dr. McDonald said Native Americans make up only a very small percentage of the state's population and their vote counts little. In lieu of that, Native Americans must rely on public servants who are "unbiased, clear thinking, and humanitarians." He said that fortunately there are a number of "excellent representatives" available to serve Indian people.[88]

Little Shell Tribal Council

Tobe Whitaker, secretary-treasurer of the Little Shell Tribal Council, told the Montana Advisory Committee that the tribe is concerned with Chippewa-Cree children and Native American children who attend Great Falls schools. The tribe has established home-school coordinators—members of the Little Shell Tribe—who are responsible for working closely with Native American students and their families.[89] Although 30 Native American students graduated out of a possible 39, the tribe feels that is not good enough. The Great Falls School District had been unable to provide the tribe with graduation statistics of Native American students going back to 1990.

---

[85] Ibid., p. 16.

[86] Ibid., p. 18; McDonald Letter, p. 2.

[87] Joe McDonald, Transcript 2, p. 30.

[88] Ibid., pp. 18–19; McDonald Letter, p. 2. Some elected servants mentioned included the superintendent of public instruction, Nancy Keenan, and Lake County superintendent of schools, Joyce Decker Wegner.

[89] Tobe Whitaker, Transcript 2, pp. 233–34. Little Shell tribal members are also known as the landless Indians because they have no land (no reservation) and receive no federal funds. Ibid.

CHAPTER 5

Perspectives of Organizations and Institutions Concerned with Indian Education

Montana Indian Education Association

Theodora Weatherwax, president of the Montana Indian Education Association (MIEA), addressed the Montana Advisory Committee during its second fact-finding meeting in Missoula. She said Native American students are not getting the guidance needed from educators—teachers, counselors, and administrators—to help them plan for the future.[1] She also confirmed what many others had already stated, that the public education system in Montana, in order to truly assist Native American students, must include more Native American administrators, teachers, and school board members.[2]

Teacher preparation is a concern of many, and Ms. Weatherwax said teachers must be better prepared, and those who have taken a serious interest in Indian education need support from their school boards and administrators.[3] And finally, a better system needs to be put in place to immediately follow-up on students who do not show up for school.[4]

Montana Association for Bilingual Education

Nora Bird, president of the Montana Association for Bilingual Education (MABE), said bilingual programs have shrunk from 25 programs two years ago down to nine.[5] Ms. Bird said bilingual education programs are necessary because the school system has failed to provide equal education for Indian people or an environment conducive to learning.[6] She reflected on her years in public schools and said the material was presented in a language foreign to Indian students, and the materials and instruction were irrelevant. "Had it been relevant, I [think it] would have promoted success compared to the high dropout rate, [and] poor academic progress which is still going on right now," she said.[7] Ms. Bird said a disservice has been done to many Indian children because their needs have not been met. There are children who are not proficient in English or the Crow language.[8] As a result, they have difficulty conceptualizing some ideas, which contributes to their very poor academic success; and because Native Americans are the largest minority in the state, bilingual education should be an integral part of curricula.[9]

Ms. Bird provided an example of how bilingual education is addressed in Montana. She said lesson plans are developed, one in English and the other in a Native language, such as the Crow language. Therefore, both languages are taught at the same time, accomplishing dual proficiency.[10] She further explained that schools need to ensure proficiency in the primary language in order for students to succeed in English, and that academic problems are more prevalent among Native American students because the language issue has not been properly addressed on the reservations.[11]

---

[1] Theodora Weatherwax, statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Missoula, MT, Apr. 24, 1997, transcript, p. 169 (hereafter cited as Transcript 2).

[2] Ibid., p. 171.

[3] Ibid., p. 172.

[4] Ibid., p. 176.

[5] Nora Bird, statement before the Montana Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Billings, MT, Dec. 10, 1996, transcript, p. 49 (hereafter cited as Transcript 1). Bilingual programs come under Title VII.

[6] Ibid., pp. 49–50.

[7] Ibid., p. 50.

[8] Ibid. Crow is the language spoken by members of the Crow Tribe.

[9] Ibid., p. 51.

[10] Ibid., p. 66.

[11] Ibid., pp. 66–67.

Indian School Board Caucus, Montana School Boards Association

Robert Fox, chairman of the Montana Indian School Board Caucus, said the caucus is in its initial stages of organizing and has three members.[12] He said one thing is certain, "all school board members concerned with addressing the unique needs and concerns of Indian children in the public school system must first organize themselves and then reach out and develop coalitions in order to effect positive change."[13]

Native American Studies Program, University of Montana

Patrick Weasel Head, associate director of the Native American Studies Program at the University of Montana, Missoula, spoke before the Montana Advisory Committee about Native American student retention and dropout issues at the post-high school level.[14] He said that in addition to the University of Montana's Native American Studies Program assisting Indian students in higher education, "one of the things we're looking at in the state is a level of cooperation and coordination with all institutions of higher education, including the seven tribal colleges."[15] Dr. Weasel Head explained that collaboratively, the institutions also consider how students make a successful transition from high school to either a tribal college or a four-year institution. He said:

> We have learned a long time before that if a student has a bridge program in their junior and senior year, they are more successful once they get into postsecondary. So we are promoting bridge programs either to tribal colleges or to mainstream institutions, so in fact, these students have a better success rate.[16]

A second goal is to develop a comprehensive approach from Head Start to graduate school, which means, said Dr. Weasel Head, that there will need to be ample partnerships (among schools, school districts, educators, etc.) with participants collaborating with Indian students.[17]

Dr. Weasel Head said there are several strategies to keep Native American students in school, and one he promotes is a long-term working relationship with the 26 to 28 high schools on or near reservations, including urban schools with many Native American students.[18] He said it is important to establish a long-term working relationship so that academic success and programs can be continuously promoted, and there needs to be a tracking mechanism to determine if the emphasis on a comprehensive approach to educating Native American students does indeed make a difference.[19] Finally, Dr. Weasel Head said the vision, priorities, and goals for Indian education must come from tribal governments.[20]

Rocky Mountain College

Susan McDaniel, Rocky Mountain College, explained that the institution she represents tries to help Native American students achieve two- and four-year college degrees and go on beyond that, if they wish, to graduate studies.[21]

---

[12] Robert Fox, Transcript 2, p. 177. The other two members were Burt Corcoran from Rocky Boy's and Wanda Glaze of Browning. The School Board Caucus was created to promote the interests and address the concerns of school board members who are entrusted with providing educational opportunities for Montana's Indian children. Ibid.

[13] Ibid.

[14] Patrick Weasel Head, Transcript 2, p. 248. Dr. Weasel Head has been involved in student services and higher education administration for the past 15 years.

[15] Ibid., p. 249. The seven tribal colleges are the Blackfeet Community College on the Blackfeet Reservation, Little Big Horn Community College on the Crow Reservation, Salish-Kootenai College on the Flathead Reservation, Fort Belknap Community College on the Fort Belknap Reservation, Fort Peck Community College on the Fort Peck Reservation, Dull Knife Community College on the Northern Cheyenne Reservation, and Stone Child Community College on the Rocky Boy's Reservation.

[16] Ibid., p. 250.

[17] Ibid. The collaborative approach means that all players in the effort have equal standing. Ibid.

[18] Ibid., p. 251.

[19] Ibid. Dr. Weasel Head also addressed strengthening relationships among the seven tribal colleges in Montana, which includes articulation agreements, back-and-forth flow and sharing of information with regard to financial aid restrictions, and 120-hour semester capping (maximum number of hours allowed) policies. Ibid.

[20] Ibid., p. 253.

[21] Susan McDaniel, Transcript 1, p. 98. Rocky Mountain College is the oldest college in Montana, with a student population of 755. Its minority enrollment is the highest per capita in the state at approximately 11 students. Of that number, six are Native American. The enrollment numbers were achieved only within the past 10 years through agreements with Native American tribal colleges. The college is part of the Montana Consortium, which is a partnership among Salish-Kootenai, Fort Peck Community, and Little Big Horn colleges. Ibid., pp. 98–99.

Ms. McDaniel said that due to her college's efforts and the efforts of the presidents of three tribal colleges (Salish-Kootenai, Fort Peck, and Little Big Horn) in three to four years Rocky Mountain College has been able to increase the presence of Native Americans to six students.[22] Ms. McDaniel said Rocky Mountain College, a private institution, has hired a full-time Native American counselor, which has made a major difference in terms of the experience for students.[23] "Rocky Mountain College is involved in teacher education exchanges with Fort Peck Community College with goals to enlarge the teacher education program and to include our other tribal college partners and other tribal colleges in Montana," she said.[24]

Ms. McDaniel said Rocky Mountain College's teacher education programs are vital to improving Indian education in Montana. "When we empower members of the tribe to teach and to go back to their own location, their own families and cultures, they then impart in a different way than someone who does not know those cultures," she said.[25]

Clara Beth Johnson, Rocky Mountain College, acts as a liaison and coordinator between four colleges in Montana. The purpose of her efforts is to increase the numbers of Native American students in math and science fields and to introduce a cultural component to learning. As an example, Ms. Johnson said:

> The teacher education program at Rocky Mountain College, [for] the elementary teacher, is now involving Indian stories in the teaching methods for students. We're learning sensitivity in ways that we had never perceived before. We took it for granted. We are learning things, techniques, and we are trying to involve an equal partnership between our American Indian, Anglo, Hispanic, and black populations.[26]

In closing she said, "We need to understand how a student learns and provide him that opportunity, and many times we miss that opportunity."[27]

Ms. Johnson said that in 1994 there were only 2,004 Native Americans nationally who received bachelor's degrees in math and science.[28]

Crow Education Committee

Carolyn Pease-Lopez told the Montana Advisory Committee that she wears three hats: advisor of American Indian Student Services at Rocky Mountain College, member of the Crow Education Committee, and parent of children who have faced a hostile environment in Montana public schools.[29] Ms. Pease-Lopez said the Crow Education Committee is looking at ways to make more of an impact on Indian education. Some of the local school districts think "it's optional to address our students in the language that they are accustomed to," she said.[30] Ms. Pease-Lopez said she has seen first hand the "miracles" that can occur when students are exposed to their own languages.[31] She added, "A student can't learn unless they feel safe, and they can't feel safe unless they feel accepted. And if they're not accepted, they will not be affirmed."[32] Ms. Pease-Lopez provided an example of her own knowledge of hostile school environments. She said, "Some of our students that were excelling in our schools, they're questioned, because surely an Indian student can't excel and can't express themselves at this level, and they're scrutinized and thought to be a plagiarist—so [teachers] have forced a number of students to go to the back of the room and to act like the negative characters that they're perceived as."[33] She continued:

> We must begin to address major issues in Montana that have been long standing and unchallenged. . . . There are a number of Indian organizations devoted to the matters of education, but what we don't have is broad-based support from the community, and that's what we need. Unless we have that [support], then in turn, [progress] will not be reflected in our State Legislature . . . The policies that have been formed will not be adhered to or [will] not even [be] promoted. They will die.[34]

---

[22] Ibid., p. 99.

[23] Ibid.

[24] Ibid., p. 100.

[25] Ibid.

[26] Clara Beth Johnson, Transcript 1, p. 108.

[27] Ibid., p. 109.

[28] Ibid., p. 106.

[29] Carolyn Pease-Lopez, Transcript 1, p. 101.

[30] Ibid.

[31] Ibid., p. 103.

[32] Ibid., p. 104.

[33] Ibid., pp. 104–05.

[34] Ibid., p. 105.

Indian People's Action

Janet Robideau of Indian People's Action explained that the organization consists of urban Indians who reside in Missoula. Members of the group, 252 strong, are persons who have chosen to live off the reservation to allow their children educational opportunity.[35] She said Indian People's Action believes strongly that racism and discrimination still exist against Native American children within Montana's schools. Ms. Robideau told the Montana Advisory Committee that Indian People's Action has received several complaints concerning the labeling of Indian children as slow learners and developmentally disabled and complaints of Indian children being automatically placed in special education classes when they enter the Missoula school system.[36]

There are instances of unfair and unequal treatment of students in the school system, and many times the Indian child will be expelled from school for getting into an altercation with a non-Indian student, and that non-Indian student will not be expelled, she said.[37] Another concern involves curriculum and outdated books containing derogatory statements. A common reference to Native American women is the term "squaw," which is pejorative in Indian culture, yet in the school system the term is allowed.[38] As a product of government and Catholic boarding schools, Ms. Robideau said she still vividly remembers and carries the pain today of being called a heathen and savage, and it saddens her to see some 30 to 40 years later the same things happening to her children. She asked that the information and testimony be taken seriously because the futures of Indian children are at stake, and that Indian people be allowed to be a part of the entire educational process.[39]

Yellowstone County Christian Coalition

Bryan Johnson, a member of the Yellowstone County Christian Coalition, said, "We need to build relationships with children, and it should be the number one priority in education."[40] Mr. Johnson said Native American students deserve an equal education and can benefit from multicultural education.[41] He said educational standards should not be compromised to accommodate minority students, because it is "setting children up to fail."[42] He described "multiculturalism" as respecting people's histories, having compassion, recognizing all types of minorities, and he said teachers have the responsibility to ask questions and become familiar with histories.[43] Mr. Johnson said he did not oppose a requirement that teachers who are going to be working in districts with Native American children take Native American classes to deal with this student population more effectively.[44]

---

[35] Janet Robideau, Transcript 2, p. 273. Indian People's Action, established in January 1997, is a community, grassroots organization and a chapter of Montana People's Action, which is a statewide organization. Ibid.

[36] Ibid., pp. 274–75.

[37] Ibid., p. 275.

[38] Ibid., p. 276. The term "squaw" was handed down through the migration of Europeans to the West. It is an Iroquois word meaning "vagina." Early mountain men and settlers began calling Indian women the name, and it became commonly accepted. In Montana, many geographical names use the word squaw, and old photos in museums and western books refer to Indian women as squaws. During the 1997 Montana Legislative Session, an effort was made to ban the word squaw from public names and places throughout the state; however, the proposed legislation never made it out of committee. Joe McDonald, Transcript 2, pp. 16–17.

[39] Janet Robideau, Transcript 2, p. 277.

[40] Bryan Johnson, Transcript 1, p. 218.

[41] Ibid., p. 219.

[42] Ibid., p. 228.

[43] Ibid., pp. 227–28.

[44] Ibid., p. 228.

CHAPTER 6

Findings and Recommendations

A number of education initiatives in Montana have been put into place over the course of 40 years, beginning in 1969 with the Montana State Legislature establishing a commission to determine if the Montana Constitution was serving citizens' needs.[1] The following year, the Montana Constitutional Convention Commission prepared Study No. 17, which addressed among other topics equal educational opportunity for Native Americans, particularly the protection of their cultural integrity.[2] That study concluded that Montana had obligations to:

- provide equal educational opportunities for Indian children through adequate financial support;
- eliminate all forms of discrimination against Indians in education; and
- allow for the existence of schools that meet the indigenous cultural needs of Indians by fostering educational diversity and community control.[3]

In 1972, a significant education initiative took place with the adoption of article X, for inclusion into Montana's Constitution. Article X acknowledged that the state of Montana recognized Native Americans and their cultural heritage, and that it was committed to preserving their cultural integrity.[4] Montanans, Indian and non-Indian, viewed article X as a giant step toward the reality that Indian children could receive an equal education.

The 1973 Indian Studies Law was initiated to ensure that every Montana teacher had an understanding of and appreciation for Native Americans by requiring that teachers employed on or near an Indian reservation receive instruction in American Indian studies. In addition, affected school districts could only employ teachers who met the requirement.[5] The State Legislature encouraged public schools to include Indian history and culture in their curricula and also encouraged training programs to prepare teachers for instructing Indian children.[6]

State agencies also began to develop strategies to promote Indian education. In 1975, the State Board of Education adopted the Indian Culture Master Plan, a guide for institutions to begin meeting their obligations under the Indian Studies Law. That same year, the State Legislature created Native American Day, which invited people to observe the culture of Native Americans.

In 1984, more changes were made to improve the education of Indian children. The Board of Public Education adopted a policy statement on Indian education (still in effect today) reaffirming its commitment to Native Americans by providing for increased participation of Indian people in the planning, implementation, and administration of relevant educational services and programs under the authority of local school boards.[7]

The Board of Public Education supports the concepts of self-determination and educational excellence for Native Americans. It encourages:

- programs and services to meet the unique educational needs of Native American youth, including, but not limited to, tutorial assistance, counseling, and home-school liaison;

---

[1] *See* chapter 1 above.

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Ibid. This requirement was amended, through legislation in 1979, prior to ever taking effect.

[6] Ibid.

[7] Ibid.; appendix B.

- involvement of tribes, communities, youth, and parents in education programs;
- incorporation of American Indian languages, literature, and heritage into general curricula;
- the concept of equal educational opportunity; and
- viable education programs that will permit Native American youth to compete and excel in life areas of their choice.[8]

In 1984, the Board of Public Education also established the Montana Advisory Council on Indian Education (MACIE), which consisted of delegates from all reservations and major Indian educational organizations to advise the Board of Public Education and the superintendent of public instruction in educational matters affecting Indian students.[9]

The 1990s saw several developments in Indian education in Montana. Among them was a position paper by Nancy Keenan, superintendent of public instruction, reaffirming her support of article X and a commitment to work closely with Indian people to increase the educational attainment level of Indian students.[10] Highlights of the position paper include:

- The Office of Public Instruction will work with the Montana Advisory Council for Indian Education (MACIE) and the Office of the Commissioner of Higher Education to help improve educational opportunities for American Indian people and to expand the state's commitment to American Indian educational achievement.
- The Office of Public Instruction will collect and analyze student data to provide educationally relevant minority student information that would be used to plan curriculum and educational services to increase the attainment level of American Indian students in Montana.
- The Office of Public Instruction will support the need to provide additional educational resources to those schools with high American Indian student enrollment in order to increase the attainment level of American Indian students.[11]

Other initiatives during the decade included the 1991 *A Plan for American Indian Education in Montana: Recommended Goals*, a report defining needs, recommended goals, and an action plan developed from the input of tribal representatives and Indian people from across the state under the direction of the Office of Public Instruction and the Montana Advisory Council for Indian Education. The plan was directed to the governor, the Montana State Legislature, and those education entities responsible for Native American children in Montana public schools receiving a quality education.[12] In response to the 1991 plan, the state developed a statement of reaffirmation as demonstration of its commitment to correcting disparities in Indian education. Responsibility for the state's constitutional commitment to the education of Indian people was vested in a consortium of agencies, including the State Board of Education, Board of Regents of Higher Education, Board of Public Education, Office of Public Instruction, and the Office of the Commissioner of Higher Education.[13]

As educators, community leaders, parents, and students continued to identify disparities in the education of Native American children in Montana, similar issues were brought to the forefront by state agencies themselves. Statistics from the Office of Public Instruction revealed that Indian children continued to represent the largest minority group in the state's public school system. An advisory committee to the Board of Public Education found that the racial balance between Native American students in grades K–12 in relation to Native American teachers in those same grades was disproportionate.[14] Further, the Office of Public Instruction reported in 1990 that only 1.9 percent of Montana's K–12 public school teachers and 1.7 percent of Montana's school administrators were Native American.[15] Recognizing the need to reduce these racial disparities, the Certification Standards and Practices Advisory Council to the Board of Public Education prepared a report on strategies for improving the recruitment and retention of minorities.[16] All these efforts were designed to change the face of Indian education in the state. But such concerns as high dropout rates and low achievement and test scores remained at the forefront.

---

[8] Ibid., appendix B.

[9] Ibid.

[10] Ibid.

[11] Ibid., appendix C.

[12] Ibid.

[13] Ibid., appendix D.

[14] Ibid.

[15] Ibid.

In 1995, the Montana Legislature requested that its Committee on Indian Affairs study whether Montana public schools were in compliance with article X and assess the role of American Indian studies in the Montana Constitution. The Montana Advisory Committee is disappointed that the Committee on Indian Affairs did not make recommendations at the conclusion of its study, but chose instead to sponsor a bill designating the fourth Friday in September as American Indian Heritage Day, a symbolic gesture that had already been made on two previous occasions.

Because Indian children in Montana public schools continued to lag behind, several other pledges were made by state agencies between 1991 and 1995, but the lack of concrete action by the Legislature and state agencies resulted in additional attempts by educators, education advocates, and parents to push the Indian education agenda even further. In October 1995, parents and educators continued to discuss many unresolved concerns regarding Indian education in Montana and convened a statewide conference to voice their concerns.[17] The goal of the forum was to follow-up on and evaluate the progress of previous efforts by the State Legislature and other state agencies to reach the goals and recommendations outlined in the 1991 *A Plan for American Indian Education in Montana: Recommended Goals*. Follow-up with the governor and other state agencies, as recorded in a summary report, found that "although many recommendations made by the tribes in 1990 have been accepted and acted upon by state education leaders, there were still many instances where tremendous improvement was needed to allow Indian students to matriculate successfully through the Montana education system."[18] That report, *Montana Forum for Effective Education of American Indian Students: Final Report*, concluded that student dropout rates were too high, Indian children had low academic achievement, there was a lack of Indian-related curriculum, Indian students had inadequate skills to compete, and there were few positive role models such as Indian teachers and administrators for Indian students.[19] One recommendation was to continue to work on curriculum and involve Indian people in the process.

In November 1995, the Board of Public Education (supported unanimously by Montana tribes) approved a certification titled "Class 7 American Indian Language and Culture Specialist" to teach Native American language.[20] The Class 7 certificate was put in place to ensure quality Native language instruction for Montana's children.

The 1997 Montana Legislative Session showed reluctance on the part of state lawmakers to pass substantive legislation addressing education of Indian children. The only action taken regarding Indian people was the governor signing into law the American Indian Heritage Day.

Montana legislative sessions are held in odd years, and once again during the 1999 session, Indian education was debated. State legislators introduced House Bill No. 528, which was subsequently adopted during the 1999 Legislative Session. The approval of House Bill No. 528 was the most recent effort to bring about change in evaluating how the state addressed Indian education. The bill was enacted to implement article X, section 1, subsection 2, of the Montana Constitution regarding the state's recognition of the distinct and unique cultural heritage of Native Americans and the state's commitment to establish educational goals that would preserve the cultural integrity of Native Americans.[21] Within the bill's language, state legislators acknowledged that:

> The Committee on Indian Affairs report revealed that despite the constitution's educational guarantees, many school districts and schools, including those adjacent to Montana's seven Indian reservations, had no policy or information in their school curricula recognizing the cultural heritage of American Indians and that the small number of Indian teachers and administrators in public

---

[16] Ibid.

[17] Ibid.

[18] Ibid.

[19] Ibid.

[20] Ibid.

[21] Ibid., appendix G; House Bill No. 528 repealed sections 20-4-211, 20-4-212, 20-4-213, and 20-4-214, Montana Codes Annotated; and provided an immediate effective date.

> schools resulted in Indian students with no role models and a lack of cultural awareness and sensitivity among non-Indian students; and that the history of Montana and the current problems of the state cannot be adequately understood and the problems cannot be addressed unless both Indians and non-Indians have an understanding of the history, culture, and contemporary contributions of Montana's Indian people.[22]

Montana tribes are hopeful that through the passage of House Bill No. 528 they will have the opportunity to develop materials and curriculum to improve the achievement of Indian students.

In September 1999, Governor Racicot created a committee made up of the Board of Public Education and the Board of Regents to make recommendations for the implementation of House Bill No. 528, including suggestions concerning the instruction of Montana and Native American history. An important part of the committee's work was to develop a concrete list of approaches to implement House Bill No. 528 and ensure that the intent of article X would be met. The committee submitted its report with recommendations to the Montana Board of Education. The recommendations, approved by the board on March 22, 2000, state that each Montana educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will develop a policy statement; implement a system to periodically monitor and evaluate its progress toward the implementation of House Bill No. 528; improve educational standards and resources; expand professional development and other educational opportunity so that administrators, faculty, staff, and students will have a better understanding of Native American culture and history; and expand the recruitment and retention of Native American educators and students.[23]

Despite several decades of state legislation, education initiatives, and other attempts to address the education of Indian children in Montana, Native American parents, grandparents, and students continue to wait eagerly for true equity in education.

The concerns expressed by many individuals who made presentations before the Montana Advisory Committee to the U.S. Commission on Civil Rights during fact-finding meetings held in Billings and Missoula brought forth a wealth of information concerning the state of Native American children in Montana public schools. Statistics, personal viewpoints, teaching experiences, and educational concerns were shared by representatives of federal, state, tribal, educational, and private/community organizations, and students and parents.

There has been much rhetoric, many pronouncements, and considerable effort by the state of Montana to address issues involving Indian education. Despite all this activity, it appears to the Montana Advisory Committee that results have been negligible. Indian children still drop out of school too frequently, and often before high school; their achievement levels are lower; and their graduation rates and advancement to higher education wholly inadequate.

One significant problem is the lack of central accountability for achieving the constitutional mandate for ensuring equal education for Native Americans. In addition to the Legislature, there are numerous state agencies, boards, and institutions with some responsibility for the education of Montana's students. But roles and functions are not always clearly defined among these various entities. This problem is compounded by the emphasis on "local control," which means that individual school districts have wide latitude to execute their own priorities and policies. While there may well be certain advantages to this, it also has the effect of diffusing and dividing accountability for ensuring equal educational opportunities. In effect, each school district is responsible for educating all of its students. However, to ensure accountability, there must be a central governing body with authority to require compliance with the constitutional mandate on a statewide basis. Otherwise, the language of the constitution (and all the other plans and initiatives) might offer nothing more than a hollow promise.

The Advisory Committee strongly believes that when it comes to constitutional and civil rights protections, the state of Montana must devise a means for enforcing these. All the good intentions in the world cannot substitute for establishing authority and accountability within state government to ensure that Native American children receive equal education. This task cannot be delegated but must be exercised by the state of Montana through appropriate legislative actions that confer necessary powers and authorities and hold appropriate officials accountable for their performance. In this manner alone will progress be possible in achieving the goal of equal education in the state of Montana.

---

[22] Ibid. 1999 Montana Legislature, House Bill No. 528.

[23] Ibid., appendix H. House Bill No. 528, Board of Education Report and Recommendations, approved Mar. 22, 2000.

The Montana Advisory Committee presents the following findings and recommendations:

Findings

1. Indian children in Montana public schools are in a crisis situation, as evidenced by disparities in education, including dropout rates that are double those of non-Indian students, low achievement levels and test scores, and few high school graduates with little advancement to higher education.

2. Montana Indians and non-Indians alike are adversely affected by the public education system's failure to educate all of its students.

3. Although the state of Montana has made numerous affirmations and other pronouncements concerning Indian education, those efforts have not reaped tangible outcomes, and as a result the state has failed to meet its obligation with regard to Indian education.

4. Indian and non-Indian children, as well as teachers and administrators, are harmed by public education's failure to consistently incorporate Indian issues in the curriculum.

5. Teachers and administrators do not receive adequate information about Indian issues in their professional course of study, and therefore cannot share Indian history and culture in their classes in the public schools. The teaching of Indian history and culture should begin in kindergarten and continue through high school. Indian studies should be integrated throughout the curriculum and should be an integral part of the accreditation requirements, not an optional offering.

6. There is not enough knowledge of and use of practical projects and programs that will work for Indian children. Better ways of identifying and implementing nonmandated resources such as technical assistance from agencies and individuals who can give helpful and experienced guidance have not been sufficiently utilized.

Recommendations

The Montana Advisory Committee believes that the various education entities are sincere about their goal to guarantee equal educational opportunities for Native American children in Montana public schools. The Advisory Committee also believes that the laws, studies, programs, and other efforts in place have provided some limited benefits to Native American children. However, there need to be concrete, numerical goals with specific timetables established to move Indian education in Montana forward. Indian children continue to drop out of school at a disproportionate rate. Indian children in Montana public schools continue to have low achievement scores. A significant number of Indian children do not graduate from high school. Few Indian children attend college. Families of Indian children are unable to see a bright future for their children. All too often, Indian children in Montana public schools are not excited about their own future or the future of their friends and relatives.

The Montana Advisory Committee makes the following recommendations:

1. **Require certified teachers in Montana to complete a human relations course specific to Native American studies and the protection of their unique culture.** Through this course, teachers could learn how to motivate, teach, guide, challenge, and better interact with Native American students and peers who are different from them. They could also learn how to incorporate Indian culture into daily lesson plans and special projects. In addition, the number of Indian history and culture classes in the public schools should be increased.

2. **Recruit more Native Americans as teachers and administrators in the public school system.** Montana's Indian children need positive role models. The state of Montana, Board of Public Education, Office of Public Instruction, and the Office of the Commissioner of Higher Education must come together and develop a strategy to increase the number of Native American educators. An action plan with goals and timetables should be developed without delay to accomplish this. These agencies must insist that school districts and schools embrace the same objective. Further, there appears to be a resource of Native American individuals

already working in schools who have not had an opportunity to use their education, knowledge, and skills to their fullest potential.

3. **Establish in each school a community ombudsman as a link between Native American parents, the Indian community, and schools.** Communication among parents, teachers, and schools needs to improve. Many parents and educators have observed that a friendly school environment creates an opportunity for children to receive a better education. The community ombudsman should be of Native American descent, and priority should be placed on establishing these relationships in schools with high Native American student enrollment. Another option is utilization of tribal education coordinators to work closely with schools and school districts where there are many Indian students.

4. **Improve tracking and follow-up procedures and policies between schools and school districts on the reservation and those in nearby cities with regard to Native American students.** There is a great deal of mobility by students between the reservation and off-reservation communities. Measures need to be taken to prevent the destructive gaps in student attendance and performance created by this mobility.

5. **Develop curriculum and database information.** Appropriate curriculum in the schools is needed for all children to learn. In keeping with the state's recognition and appreciation of the heritage of Native Americans in the state, Indian studies should be an integral part of the standard curriculum in the public schools, mandated by the Office of Public Instruction. Although the Office of Public Instruction and the Office of the Commissioner of Higher Education maintain data on student enrollment, completion rates, and other information, more detailed statistics need to be maintained to obtain an accurate description of student populations and their achievement. Schools and school districts must be held accountable for the students they are mandated by law to educate. Schools and school districts should maintain and make public data on dropout rates, discipline, achievement scores, and graduation.

6. **State of Montana take a leadership role to further spell out the intent of its constitutional language.** The recommendations approved by the Board of Education concerning House Bill No. 528 should be monitored closely. Timetables should be established and adhered to. Accountability must be established.

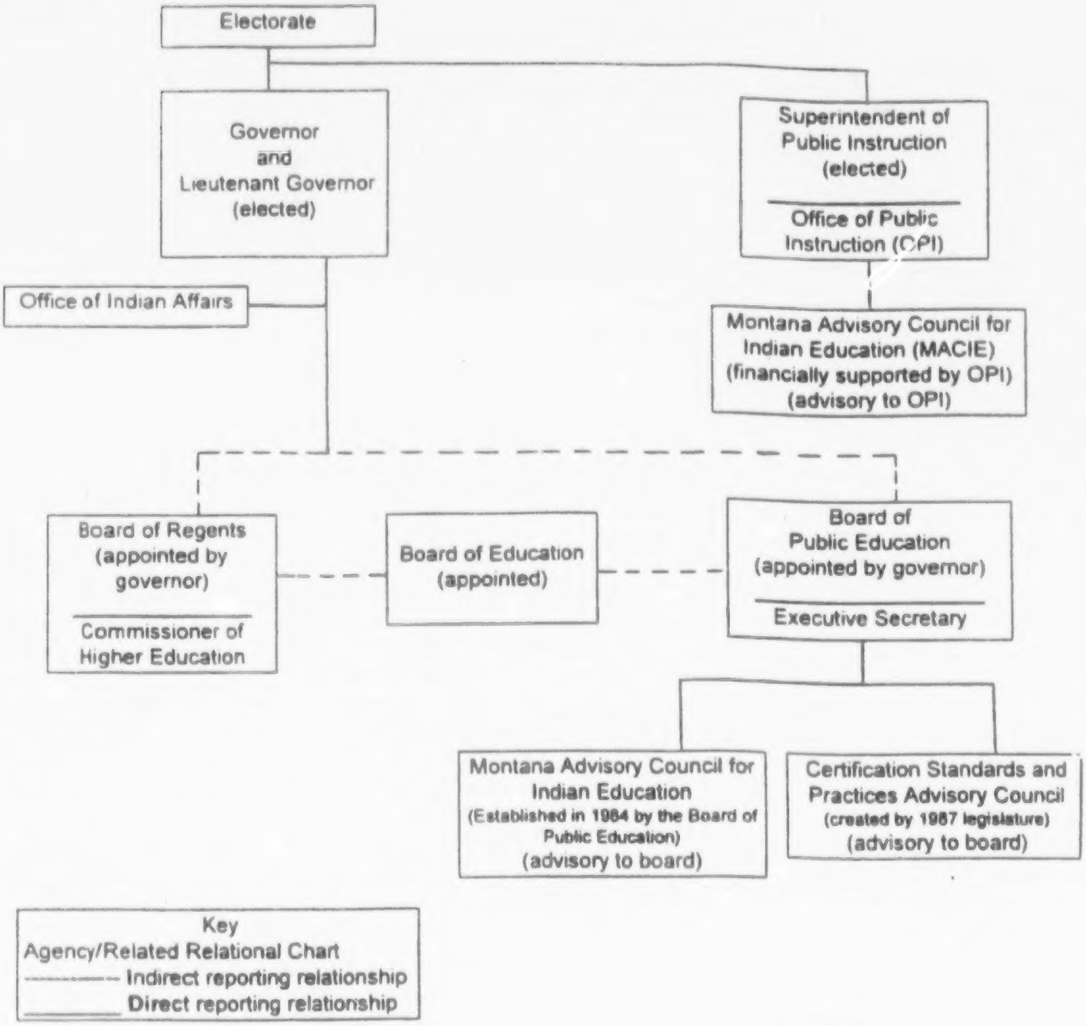
7. **Better coordination between schools and institutions of higher education.** The university system should increase cooperation and work closely with local school districts, as well as tribes, to increase the number of Indian students attending college.

8. **Increased role of tribal government.** Tribal governments in Montana must exercise a leadership role in promoting major reforms in the state's education system to ensure that Native American children are provided with adequate tools, knowledge, and experience to function successfully in today's society. The future of Native American leadership is dependent on the quality of education these students receive.

9. **Federal civil rights enforcement.** The Advisory Committee urges that the federal civil rights enforcement agencies responsible for ensuring adherence by school districts with federal equal education mandates (U.S. Department of Education and U.S. Department of Justice) increase their monitoring and compliance activities in Montana. Compliance reviews of selected districts with significant Native American enrollment should be undertaken promptly.

Appendix A

Montana Executive Branch


Electorate
Governor and Lieutenant Governor (elected)
Superintendent of Public Instruction (elected)
Office of Public Instruction (OPI)
Office of Indian Affairs
Montana Advisory Council for Indian Education (MACIE) (financially supported by OPI) (advisory to OPI)
Board of Regents (appointed by governor)
Commissioner of Higher Education
Board of Education (appointed)
Board of Public Education (appointed by governor)
Executive Secretary
Montana Advisory Council for Indian Education (Established in 1984 by the Board of Public Education) (advisory to board)
Certification Standards and Practices Advisory Council (created by 1987 legislature) (advisory to board)
Key
Agency/Related Relational Chart
---------- Indirect reporting relationship
________ Direct reporting relationship

Source: Office of Public Instruction, Office of the Superintendent.

Appendix B

MONTANA BOARD OF PUBLIC EDUCATION
POLICY STATEMENT
American Indian Education

The Montana Board of Public Education hereby reaffirms the commitment to the American Indian population of Montana (Article X, Section 2): "The state recognizes the distinct and unique cultural heritage of the American Indian and is committed in its educational goals to the preservation of their cultural integrity."

The Montana Board of Public Education emphasizes its commitment to the American Indian people through the establishment of this Indian Education Policy. This policy shall provide for more effective and meaningful participation by Indian people in the planning, implementation, and administration of relevant educational services and programs under the authority of local school boards.

The Montana Board of Public Education hereby recognizes the obligation of the state to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the field of education. The board strongly recommends that local schools exercise initiative in implementing educational programs that meet the needs of American Indian people. School boards and school personnel that serve significant numbers of Indian people should reflect the ethnicity of the student population.

The Montana Board of Public Education does further recognize the distinct and unique tribal governments within the state of Montana and their special relationship with the Federal Government. The board urges the legislature to acknowledge this relationship.

The Montana Board of Public Education also urges both the American Indian and non-Indian population of the state to learn about and acknowledge the historical perspectives and values of the other.

The Montana Board of Public Education recommends that the Superintendent of Public Instruction and Board of Regents take leadership roles in meeting the elementary, secondary, and higher education needs of American Indian people.

The Montana Board of Public Education declares and supports the concepts of self-determination and educational excellence for American Indian people. It is hereby stated that the board supports and encourages: (1) programs and services to meet the unique educational needs of American Indian youth and adults, including, but not limited to, programs designed to provide tutorial assistance, counseling, and home-school liaison; (2) the involvement of tribes, communities, youth, and parents in the total educational program; (3) the establishment of a statewide Indian Education Advisory Council; (4) the incorporation of American Indian languages, literature, and heritage into the general curricula; (5) the concept of equal educational opportunity; and (6) viable educational programs which will permit American Indian people to compete and excel in life areas of their choice.

Adopted April 12, 1984.

Source: Montana Advisory Council for Indian Education (MACIE) brochure, Office of Public Instruction, undated.

BEST COPY AVAILABLE

Appendix C

Superintendent of Public Instruction's Commitment to American Indian Education in Montana

The Constitution of the State of Montana guarantees equality of educational opportunity to each person of the State. It also recognizes the distinct and unique cultural heritage of the American Indian and is committed in its educational goals to the preservation of their cultural integrity.

As Superintendent of Public Instruction, I am committed to supporting the Constitutional provisions and the policy statement of the Board of Public Education with the following actions:

1. I will work with the Montana Advisory Council for Indian Education and the Office of the Commissioner of Higher Education to help improve educational opportunities for American Indian people and to expand the state's commitment to American Indian educational achievement.

2. Staff in the Office of Public Instruction will be directed to collect and analyze student data to provide educationally relevant minority student information. The data will be used to plan curriculum and educational services to increase the attainment level of American Indian students in Montana.

3. The Office of Public Instruction will support the need to provide additional educational resources to those schools with high American Indian student enrollment in order to increase the attainment level of American Indian students. The Office of Public Instruction will not pursue the use of PL 81-874 funds in state school equalization.

Source: Montana Advisory Council for Indian Education (MACIE) brochure, Office of Public Instruction, undated.

Appendix D

STATE OF MONTANA

STATE BOARD OF EDUCATION

BOARD OF REGENTS OF HIGHER EDUCATION
BOARD OF PUBLIC EDUCATION

OFFICE OF PUBLIC INSTRUCTION
OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION

The State Board of Education, consisting of the Board of Regents and the Board of Public Education, together with the Office of Public Instruction and the Office of the Commissioner of Higher Education, reaffirm our constitutional commitment to equality of educational opportunity to each person of the state and to preserving through educational goals the cultural integrity of American Indians.

The respective boards, the Office of Public Instruction, and the Office of the Commissioner of Higher Education intend to lead Montana into the 21st century by taking action to increase graduation rates of all Montana students at the public school and collegiate level, particularly American Indian and other minority populations, and to support minority recruitment into teacher education and University Systems faculties. We acknowledge the "Plan for American Indian Education in Montana: Recommended Goals" and will seriously consider recommendations made in this document as we work to accomplish our goals.

We recognize the essential role played by Montana's tribal colleges and express our continued commitment to work closely with those institutions toward our common goal of educational attainment for all people.

Signed this 21st day of March, 1991 by

Stan Stephens, Governor
President, State Board of Education

Bill Thomas
Chair
Board of Public Education

William L. Mathers
William L. Mathers
Chair
Board of Regents

Nancy Keenan
Nancy Keenan
Superintendent of
Public Instruction

John M. Hutchinson
John M. Hutchinson
Commissioner of Higher
Education

BEST COPY AVAILABLE

Appendix E

STATE OF MONTANA
STATE BOARD OF EDUCATION

BOARD OF REGENTS OF HIGHER EDUCATION
BOARD OF PUBLIC EDUCATION

OFFICE OF PUBLIC INSTRUCTION
OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION

The state Board of Education, consisting of the Board of Regents and the Board of Public Education, together with the Office of Public Instruction and the Office of the Commissioner of Higher Education, reaffirm our constitutional commitment to equality of education opportunity to each person of the state and to a system of education that will develop the full educational potential of each person.

As evidenced by our proclamation in support of the "Plan for American Indian Education in Montana: Recommended Goals", we are committed to making sure Montana's students are prepared to be productive citizens in the 21st century. In accordance with that goal, we recognize the importance of infusing gender and multicultural equity throughout the educational system to ensure that our educational system is both free of discrimination and affirming of the talents and abilities of each individual.

Multicultural and gender-fair teacher education develops competencies in inclusion of gender and multicultural content, in equitable classroom and teaching strategies and techniques, and in the identification and elimination of discrimination, bias and stereotype in educational programs and materials.

We are committed to encouraging educators, administrators, school board trustees, students, parents, staff, community and education organizations, businesses, teacher organizations, and tribal organizations and councils to build their awareness and skills in educational equity. The first step in that process is our support for the infusion of gender and multicultural equity awareness and techniques throughout Montana's teacher education programs.

Signed this 20th day of Jan., 1994 by

Marc Racicot

Marc Racicot, Governor
President, State Board of Education

John Kinna

John Kinna, Chair
Board of Public Education

Nancy Keenan

Nancy Keenan, Superintendent
of Public Instruction

Jim Kaze, Chair
Board of Regents

Jeff Baker, Commissioner
of Higher Education

BEST COPY AVAILABLE

Appendix F

ADMINISTRATIVE RULES OF MONTANA

BOARD OF PUBLIC EDUCATION

10.57.407

10.57.407 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST (1) Term: 5 years - renewable.

(2) Basic qualification: The office of public instruction shall issue a class 7 certificate based upon verification by the American Indian tribe for which the language and culture certification is desired that the individual has met tribal standards for competency and fluency as a requisite for teaching that language and culture. Candidates for class 7 certification must meet all non-academic requirements for certification in Montana.

(3) Qualification criteria: The board will accept and place on file the criteria developed by each tribe for qualifying an individual as competent to be a specialist in its language and culture.

(4) Renewal: Sixty units of renewal activities authorized and verified by the tribe will be required for renewal of a class 7 certificate.

(5) Responsibilities: A school district may assign an individual certified under this rule to only, specialist services within the field of American Indian language and culture under such supervision as the district may deem appropriate. No teaching certificate or endorsement is required for duties within this prescribed field. (History: Sec. 20-4-102 MCA; IMP, 20-4-103, 20-4-106 MCA; NEW, 1995 MAR p. 2803, Eff. 12/22/95.

BEST COPY AVAILABLE

1999 Montana Legislature

About Bill – Links

HOUSE BILL NO. 528

INTRODUCED BY C. JUNEAU, S. DOHERTY, D. ECK, B. EGGERS, J. ELLINGSON, D. EWER, E. FRANKLIN, S. GALLUS, K. GALVIN-HALCRO, K. GILLAN, G. GUTSCHE, H. HARPER, J. HURDLE, G. JERGESON, S. KITZENBERG, B. MCCARTHY, L. NELSON, G. ROUSH,

D. SHEA, F. SMITH, E. SWANSON

AN ACT IMPLEMENTING ARTICLE X, SECTION 1(2), OF THE MONTANA CONSTITUTION REGARDING THE STATE OF MONTANA'S RECOGNITION OF THE DISTINCT AND UNIQUE CULTURAL HERITAGE OF AMERICAN INDIANS AND THE STATE'S COMMITMENT TO ESTABLISH EDUCATIONAL GOALS THAT WILL PRESERVE THE CULTURAL INTEGRITY OF AMERICAN INDIANS; REPEALING SECTIONS 20-4-211, 20-4-212, 20-4-213, AND 20-4-214, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, as part of the state's educational guarantees, the people of Montana in 1972 included Article X, ection 1(2), in the state constitution, recognizing the distinct and unique cultural heritage of American Indians nd expressing the state's commitment to preserve that cultural integrity through education; and

WHEREAS, the Legislature recognizes that Article X, section 9(2), of the Montana Constitution provides the Board of Regents with full power, responsibility, and authority to supervise, coordinate, manage, and control he Montana University System; and

WHEREAS, the Legislature also recognizes that Article X, section 9(3), of the Montana Constitution provides he Board of Public Education with general supervision over the public school system and that Article X, ection 8, of the Montana Constitution vests the supervision and control of the schools in each school district o the local board of trustees; and

WHEREAS, a 1995 study conducted by the Committee on Indian Affairs, pursuant to Senate Joint Resolution No. 11, revealed that despite the constitution's educational guarantees, many school districts and schools, ncluding those adjacent to Montana's seven Indian reservations, had no policy or information in their school urricula recognizing the cultural heritage of American Indians and that the small number of Indian teachers nd administrators in public schools resulted in Indian students with no role models and in a lack of cultural wareness and sensitivity among non-Indian students; and

WHEREAS, the Legislature recognizes that the history of Montana and the current problems of the state annot be adequately understood and the problems cannot be addressed unless both Indians and non-Indians ave an understanding of the history, culture, and contemporary contributions of Montana's Indian people.

E IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

BEST COPY AVAILABLE

Section 1. **Recognition of American Indian cultural heritage – legislative intent.** (1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to b committed in its educational goals to the preservation of their cultural heritage.

(2) It is the intent of the legislature that in accordance with Article X, section 1(2), of the Montana constitution:

(a) every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and

(b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goa or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

(3) It is also the intent of [sections 1 through 3], predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people.

Section 2. **American Indian studies – definitions.** As used in [sections 1 through 3], the following definitions apply:

(1) "American Indian studies" means instruction pertaining to the history, traditions, customs, values, beliefs, ethics, and contemporary affairs of American Indians, particularly Indian tribal groups in Montana.

(2) "Instruction" means:

(a) a formal course of study or class, developed with the advice and assistance of Indian people, that is offered separately or that is integrated into existing accreditation standards by a unit of the university system or by an accredited tribal community college located in Montana, including a teacher education program within he university system or a tribal community college located in Montana, or by the board of trustees of a school district;

(b) inservice training developed by the superintendent of public instruction in cooperation with educators of Indian descent and made available to school districts;

(c) inservice training provided by a local board of trustees of a school district, which is developed and onducted in cooperation with tribal education departments, tribal community colleges, or other recognized ndian education resource specialists; or

(d) inservice training developed by professional education organizations or associations in cooperation with ducators of Indian descent and made available to all certified and classified personnel.

Section 3. **Qualification in Indian studies – trustees and noncertified personnel.** (1) The board of trustees for n elementary or secondary public school district may require that all of its certified personnel satisfy the requirements for instruction in American Indian studies. Pursuant to Article X, section 8, of the Montana onstitution, this requirement may be a local school district requirement with enforcement and administration solely the responsibility of the local board of trustees.

BEST COPY AVAILABLE

(2) Members of boards of trustees and all noncertified personnel in public school districts are encouraged to atisfy the requirements for instruction in American Indian studies.

Section 4. **Repealer.** Sections 20-4-211, 20-4-212, 20-4-213, and 20-4-214, MCA, are repealed.

Section 5. **Notification to tribal governments, school districts, and university system.** (1) The secretary of tate shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to he Little Shell band of Chippewa.

(2) The secretary of state shall send a copy of [this act] to the superintendent of public instruction for dissemination to every public school district in Montana.

(3) The secretary of state shall send a copy of [this act] to the commissioner of higher education for dissemination to every unit of the Montana university system.

Section 6. **Codification instruction.** [Sections 1 through 3] are intended to be codified as an integral part of itle 20, chapter 1, and the provisions of Title 20, chapter 1, apply to [sections 1 through 3].

Section 7. **Effective date.** [This act] is effective on passage and approval.

- END -

Latest Version of HB 528 *(HB0528.ENR)*
Processed for the Web on April 23, 1999 (2:20PM)

ew language in a bill appears underlined, deleted material appears stricken.

ponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted. See e status of the bill for the bill's primary sponsor.

Status of this Bill | 1999 Legislature | Leg. Branch Home
This bill in WP 5.1 | All versions of all bills in WP 5.1

epared by Montana Legislative Services
06)444-3064

BEST COPY AVAILABLE

Appendix H

HB 528 – Board of Education Report and Recommendations Approved March 22, 2000

Attached is the Final Report and Recommendations approved by the Montana Board of Education for implementing the legislative intent of HB 528, that supports Article X, 1 (2) of the Montana Constitution.

> "The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity"

Board of Education
HB 528/Montana History Committee

Report and Recommendations

On September 23, 1999, the Montana Board of Education unanimously approved a motion by Governor Marc Racicot to create a committee to investigate alternatives and make recommendations for the implementation of HB 528, including suggestions concerning the instruction of Montana and American Indian history. In making this motion, Governor Racicot suggested that the committee "put together a concrete, suggested list of approaches" to implement HB 528 and to assure that the intent of Article X, Section 1 of Montana's Constitution will be met. A committee was formed in October and held an initial planning conference call on December 4, 1999 with a subsequent public hearing on January 24, 2000. Twenty-four individuals, representing various education and Indian organizations, provided oral and/or written testimony during this public hearing, all of which contained recommendations concerning the implementation of HB 528 in Montana (See Appendix A). The committee wishes to thank all those who participated and gave generously of their time and insight.

The committee noted that the objectives of Article X address the political reality of Federal and state promises to American Indian Nations through treaty agreements. As such, American Indians are the only ethnic group to have a political relationship with the United States government and the State of Montana. Clearly, the authors of Article X were aware of the importance of this distinction.

Our committee has not been the first to make recommendations to implement Article X of our Montana Constitution. Previous statewide efforts requested input from various affected citizens and also made recommendations. Prior efforts include:

1973 - Activation of the Indian Studies Law

1975 - Creation of the Indian Culture Master Plan

1990 - Creation of a State plan to implement Article X

1990 - Creation of Opening the Pipeline Program

1997 - Establishment of American Indian Heritage Day

1998 - Review of MIEA Summit document

All of these efforts were ineffectual to one degree or another, which is why we are addressing the issue again. Our review indicated that two main reasons prevented the success of these efforts. The first was there was inadequate funding to carry out the programs to any effective completion. The second was the fact that there was an inadequate oversight mechanism to ensure a viable implementation, accountability, and evaluation of the process.

BEST COPY AVAILABLE

To effectively oversee the implementation process and to ensure that this latest effort is not added to the long list of well-meaning, but ineffective, proposals, the committee suggests the Board consider keeping this committee as an entity to oversee the accomplishment of these recommendations and to report periodically to the Board on their progress. We further recommend the adoption of a resolution to read, **The Montana Board of Education fully supports Article X of our Montana Constitution as well as all provisions of HB 528 and enjoins the Board of Regents, Board of Public Education, and Office of Public Instruction to be actively committed in its educational goals to create understanding about American Indian people and their histories, respect for their respective cultures and world views, and an appreciation for one another.**

The committee recognizes the proposals we recommend are the minimum needed to implement HB 528, and indeed in some cases may not be sufficient. Each agency (Board of Public Education, Office of Public Instruction, and Board of Regents) has tempered their proposals with the reality of the availability of sufficient funds. The Board of Education may wish to adopt an overall vision which would provide the guidance for the various agencies to approach the legislature to obtain adequate funding to effectively implement these or subsequent recommendations. An active process must be obtained to ensure adequate legislative support.

The committee now forwards a series of recommendations to the full Board of Education for its review and endorsement. Recognizing that policy alone cannot effectively ensure that Montana is "committed in its educational goals to the preservation of their (American Indian) cultural integrity" we submit the following recommendations with the expectation that we will achieve real progress toward this worthy aspiration.

Recommendations:

I. **Agency Policy Statements and Monitoring**

A. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will develop a policy statement and action plan that expresses its intention to implement HB 528.

B. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will develop a system to periodically monitor and evaluate its progress toward the implementation of HB 528.

C. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will review and revise existing policies and consider new policies that will assist the implementation HB 528.

D. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will support a public awareness effort to better inform the Montana public about HB 528.

E. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will encourage tribal-state cooperative agreements, as defined within MCA 18-11-101, that will allow for state and local education leadership and tribal governments to work together to determine appropriate and culturally responsive educational goals for citizens of the Montana reservation communities.

F. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will expand professional development and other educational opportunities so that administrators, faculty, staff, and students will have a better understanding of American Indian culture and history. Annual reports identifying these activities will be developed by agency staff and reviewed by the Board of Regents and the Board of Public Education.

II. Educational Standards and Resources

A. The Montana Board of Public Education should adopt Social Studies Content Standards that specifically address the topics of Montana and American Indian history, culture, and contemporary issues. The following are examples of content and performance standards that may meet this objective:

- *Identify and describe important events and famous people in Montana and United States history.*
- *Explain the history, culture, tribal sovereignty, and current status of the American Indian tribes in Montana.*

B. The Office of Public Instruction will provide a model curriculum aligned to Montana's content and performance standards and will develop supportive resources for teaching Montana Indian history, culture, and contemporary issues. The model curriculum and instructional resources will be developed in cooperation with, and approved by, the Montana Advisory Council on Indian Education and will be made available to all Montana public schools. An evaluation tool will also be developed to determine the effectiveness of these resources.

C. The Office of Public Instruction and Board of Education will develop a process to ensure that all content standards reflect the constitutional commitment to American Indian culture, heritage, and contemporary issues.

D. The Office of Public Instruction and Board of Education will develop a process to ensure that the state's accreditation guidelines include the recognition of and commitment to Montana's Constitutional language in Article X, Section 1, Paragraph 2

III. Teacher Training/Professional Development

A. The Board of Regents, Office of Public Instruction, and Board of Public Education will assure that Montana's Teacher Education Program Standards include relevant coursework requirements such as American Indian Education or its equivalent, that serve to educate all prospective teachers in teaching American Indian students and enhance their awareness of American Indian culture, language, history and contemporary issues, including tribal sovereignty.

B. The Commissioner of Higher Education will appoint a committee chaired by the Deputy Commissioner and including the deans of teacher education programs to develop a Montana University System plan for recruiting more American Indian students into teacher education, placing and retaining them in Montana's schools, and providing continued in-service opportunities. Representatives from the tribal colleges and tribal education departments will be members of the committee.

C. The Office of Public Instruction and Board of Public Education will continue to work with teacher education programs in the Montana University System to pursue the development of alternative, portfolio assessments for teacher certification.

D. The Montana University System will support Class 7 certification and make available, as appropriate, research expertise and information resources on language study. The Office of Public Instruction will continue to collaborate with Tribal Colleges and Tribal Governments in providing instructional personnel to teach American Indian languages and culture in our state's educational systems through the Class 7 specialist certification and will seek ongoing institutional support.

E. The Office of Public Instruction will provide guidance in the statewide professional development framework to ensure that the state's educational personnel have available appropriate opportunities to learn about American/Montana Indians to better prepare them to provide leadership and instructional support to students in meeting this policy's commitment.

Strategies will include, but are not limited to, the following:

- Develop and implement a five-year American Indian studies professional development plan statewide for teachers, school boards, administrators and support staff.

- Develop a professional development program aimed at assisting LEAs incorporate HB528.

IV. Recruitment and Retention of American Indian Educators and Students

A. The Board of Regents will hire more American Indian faculty, and staff, and administrators on the campuses of the Montana University System and the campuses will report data to the Regents every two years.

B. The Montana University System will increase enrollments of American Indian students through enhanced recruitment and retention efforts.

C. The Board of Regents will annually review and evaluate campus action plans for diversity and ensure that sufficient training opportunities are available consistent with the goals of HB 528.

D. The Board of Education will remain committed to the continuation of the American Indian fee waiver and will support a statutory appropriation for non-beneficiary students at the tribal colleges.

E. The Board of Education will support strategies to promote recruitment and retention of American Indian teachers in Montana's public schools to increase the percentage of American Indian teachers to a level consistent with the percentage of American Indian students in Montana schools. Specific strategies will include, but are not limited to: 1) Creating a scholarship/loan forgiveness program for future American Indian educators; and 2) Collective efforts to support and attain state and federal programs and grants that encourage American Indian teacher training.

V. Other

A. The Office of Public Instruction will research, plan, monitor, evaluate and budget for programs and services designed to reduce the disparity of educational achievement that currently exists in Montana's educational system for its American Indian students.

B. The Office of Public Instruction will develop a communication mechanism between the OPI and Tribal Education Departments.

C. The Board of Regents will develop a communication mechanism between the Board of Regents, Montana's Indian tribes, and tribal colleges.

D. The Office of Public Instruction and Board of Regents will continue to advocate for American Indian education and secure adequate funding for the activities of the Indian Education Department and the Office of American Indian/Minority Achievement, respectively.

E. The Office of Public Instruction will continue to include input from Montana Indian educators in the development and implementation of statewide assessment activities.

F. The Office of Public Instruction will provide adequate supportive resources within its organizational structure to ensure that this commitment will be implemented including, both within and without the office, a data management system and reporting mechanism that will serve as a measurement of accountability to this policy.

G The Office of Public Instruction, Board of Public Education, and Board of Regents will encourage that all school districts and university units within Montana observe American Indian Week each September.

BEST COPY AVAILABLE

SUMMARY

We are optimistic about the ability of these recommendations to effect real change in Montana schools and communities. Therefore, we respectfully request the support of the full Montana Board of Education in endorsing and implementing these suggestions through its collective and individual authority as Montana's state governing boards for education. Furthermore, we request that the Board of Education review Montana's progress toward these actions on an annual basis.

Respectfully submitted,

Joyce Silverthorne, Chair — Date

Randy Morris — Date

Richard Roehm — Date

Deborah Wetsit — Date

Appendix I

Indian Population in Montana
by U.S. Bureau of the Census American Indian Areas

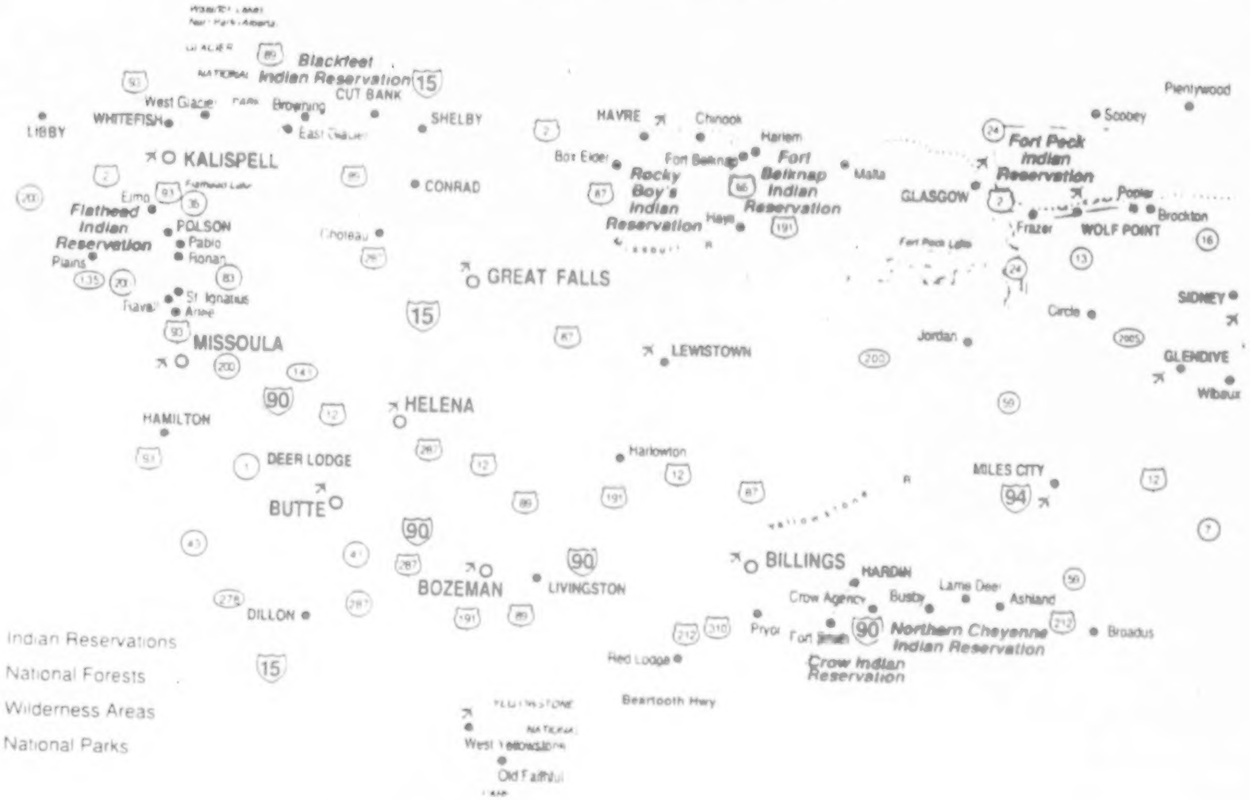
AMERICAN INDIAN AREA	AMERICAN INDIAN POPULATION	TOTAL POPULATION	AMERICAN INDIAN PERCENTAGE
Blackfeet	7,025	8,549	82
Crow and Trust Lands	4,724	6,370	74
Flathead	5,130	21,259	24
Fort Belknap and Trust Lands	2,338	2,508	93
Fort Peck	5,782	10,595	55
Northern Cheyenne and Trust Lands	3,542	3,923	90
Rocky Boy's and Trust Lands	1,882	1,954	96

Source: U.S. Bureau of the Census (1990)

BEST COPY AVAILABLE

Appendix J

INDIAN RESERVATIONS OF MONTANA


Blackfeet Indian Reservation
CUT BANK
Browning
East Glacier
West Glacier
GLACIER NATIONAL PARK
SHELBY
LIBBY
WHITEFISH
KALISPELL
CONRAD
Flathead Indian Reservation
Elmo
POLSON
Pablo
Ronan
Plains
St. Ignatius
Arlee
Choteau
GREAT FALLS
MISSOULA
HAMILTON
DEER LODGE
BUTTE
HELENA
DILLON
BOZEMAN
LIVINGSTON
West Yellowstone
Old Faithful
HAVRE
Chinook
Harlem
Box Elder
Fort Belknap
Rocky Boy's Indian Reservation
Fort Belknap Indian Reservation
Malta
Hays
LEWISTOWN
Harlowton
BILLINGS
HARDIN
Crow Agency
Busby
Lame Deer
Ashland
Pryor
Fort Smith
Crow Indian Reservation
Northern Cheyenne Indian Reservation
Red Lodge
Beartooth Hwy
Broadus
MILES CITY
GLASGOW
Fort Peck Indian Reservation
Fort Peck Lake
Frazer
WOLF POINT
Poplar
Brockton
Scobey
Plentywood
Circle
Jordan
SIDNEY
GLENDIVE
Wibaux
Indian Reservations
National Forests
Wilderness Areas
National Parks

Source: Montana Indian Reservations, tourist brochure. 1994 Travel Montana. Montana Department of Commerce.

The seven reservations are: Blackfeet, Crow, Flathead, Fort Belknap, Fort Peck, Northern Cheyenne, and Rocky Boy's.

BEST COPY AVAILABLE

U.S. COMMISSION ON CIVIL RIGHTS
Rocky Mountain Regional Office
1700 Broadway
Denver, CO 80290

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

BEST COPY AVAILABLE